

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - September 6, 1994**  
**City Auditorium - 520 Rood Avenue**  
**7:04 p.m. - 1:31 a.m.**

**I. CALL TO ORDER**

The Public Hearing of the Grand Jet Planning Commission was called to order by Chairman Elmer at 7:04 p.m.

In attendance representing the Grand Junction Planning Commission were Chairman John Elmer, Ron Halsey, Tom Whitaker, Tom Volkmann, Jeff Vogel, and Bob Withers. Steve Laiche was absent.

In attendance representing the City Community Development Department were Larry Timm, Director; Kathy Portner, Planning Supervisor; Dave Thornton, Senior Planner; Michael Drollinger, Senior Planner; Tom Dixon, Senior Planner; and Kristen Ashbeck, Associate Planner. Also present were John Shaver, Assistant City Attorney and Jody Kliska, City Development Engineer.

LuAnn Laughlin, KLB Secretarial Services, was present to record the minutes.

There were 81 interested citizens present during the course of the meeting.

**II. CONSIDERATION OF MINUTES**

**Commissioner Vogel requested that the minutes of the August 2, 1994 meeting be amended on Page 16. The minutes state that the motion was both made and seconded by Commissioner Vogel. It should be corrected to read that the motion was seconded by Tom Volkmann.**

**MOTION: (Commissioner Halsey) "Mr. Chairman, I move we approve the minutes of the August 2, 1994 meeting as corrected."**

The motion was seconded by Commissioner Withers. A vote was called, and the motion was unanimously approved by a vote of 6-0.

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

Chairman Elmer announced the following:

1. Item #134-94, preliminary plans for Monument Heights Townhomes located on Kennedy west of Juniper, has been pulled from the agenda and will not be heard tonight.
2. The Planning Commission welcomed Tom Whitaker as a new member.

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

1. **#65-94(2) FINAL PLAN/PLAT - 2845 TEXAS AVENUE**  
**Request for approval of a Final Plan/Plat for Dewey Apartments consisting of a duplex on approximately .47 acres with a zoning of PR (Planned Residential).**  
**PETITIONER: Dewey Family Trust**  
**LOCATION: 2845 Texas Avenue**  
**REPRESENTATIVE: Tom Logue**  
**CITY STAFF: Kathy Portner**

**STAFF PRESENTATION**

Kathy Portner gave an overview of the request for approval of the property located at 2845 Texas Avenue. The parcel was recently rezoned by City Council to PR-10.6 to allow for the construction of an additional duplex unit behind an existing triplex unit. This is the final phase of that development plan showing the specific site plan for that property.

Originally the staff had recommended a 20' rear yard setback be required which is consistent with the multi-family zone districts. The developer is proposing a 15' rear yard setback to maintain a larger usable area between the buildings and to preserve a mature tree. The surrounding zoning of RSF-8 requires a 15' setback. The proposed building is a single story duplex. The 15' setback is acceptable to staff.

**Staff recommends approval with the following conditions:**

1. The parks and open space fee of \$450 must be paid prior to recording the plat.
2. All Fire Department requirements must be complied with.
3. A Transportation Capacity Payment of \$800.00 must be paid prior to issuance of a Planning Clearance.
4. A drainage plan is required to be reviewed and approved by the City prior to issuance of a Planning Clearance.
5. Requirements of the City Utility Engineer must be satisfied prior to issuance of a Planning Clearance.
6. The final plat must include a 10' utility easement along the west property line.
7. All technical requirements of the plat as noted in the review comments must be addressed prior to recording the final plat.
8. A 4' wood fence will be required along the parking area's east boundary.

Bob Withers questioned the difference between a 4' wood fence on the staff review and the 6' fence shown on the drawings. Ms. Portner said the required fencing is along the east property line, and the Code requirement to separate parking areas is a maximum of 4'. She said there may have been a discrepancy between the narrative and the drawing.

**PETITIONER'S PRESENTATION**

Tom Logue spoke on behalf of the applicant. He stated the adjoining land owner has requested that the fence to be limited to 4' in height.

He said the petitioner would save one large tree immediately north of the duplex, three of four along Texas Avenue, and a single tree immediately east of the duplex.

**PUBLIC COMMENT**

There was no comment either for or against the proposal.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item #65-94(2), final plan and plat for Dewey Apartments, I move we approve this subject to staff recommendation."**

Commissioner Volkmann seconded the motion. A vote was called, and the motion was approved by a vote of 5-1, with Commissioner Halsey opposing.

- 2. #85-94 REVISED PRELIMINARY PLAN/FINAL PLAN FILING #1 GRAND VIEW SUBDIVISION**  
**Request for approval of a revised Preliminary Plan for Grand View Subdivision consisting of 204 single family lots on approximately 64.8 acres (net density of 3.1 units/acre) in an RSF-5 (Residential Single Family, 5 units/acre) zone. Request for Final Plan approval for Filing #1 consisting of 27 single family lots on a total of 11.4 acres.**

**PETITIONER: Don Dela Motte**  
**LOCATION: 2845 Texas Avenue**  
**REPRESENTATIVE: Thomas Logue**  
**CITY STAFF: Michael Drollinger**

**STAFF PRESENTATION**

Michael Drollinger stated that the site is located north of Patterson Road and east of 28 Road and consists of approximately 65 acres. The property was recently annexed into the City and is zoned RSF-5.

Mr. Drollinger continued; the petitioner has requested approval of a Final Plat/Plan for Filing #1 consisting of 27 single family lots. The street layout in Filing #1, and in the remainder of the development, has been modified since the Preliminary Plan approval was granted in June. Section 6-8-1(F) of the Zoning and Development Code permits the Administrator to require submittal for approval of the modifications (based on the scope of the change). The petitioner was advised that a revised Preliminary Plan will be required to be approved by the Planning Commission illustrating all proposed changes. The applicant has submitted a revised Preliminary Plan for the project for consideration by Planning Commission.

Mr. Drollinger said the major changes to the final plan from the preliminary are as follows:

1. The number of units has increased from 200 to 204 as a result of road realignments. The gross density of the site remains at 3.1 units/acre.
2. Tamarron Court cul-de-sac is now designed as an "eyebrow".
3. Tamarron Court cul-de-sac (south of Hawthorne) was shortened.
4. Peak Court cul-de-sac was eliminated, and is now an "eyebrow".
5. Cimarron Court/Pagosa Court (north of Hawthorne) was reconfigured to a looped road and renamed Pagosa Drive.

Mr. Drollinger stated that the one item that is not reflected on the preliminary plan is the request from staff to show a 30' half-street right-of-way for Cortland Avenue which is consistent with a draft major street plan that the City Engineer is preparing for the area. He added that the petitioner has indicated to him that they won't be doing that. The applicant has addressed other staff comments/recommendations regarding this submittal.

Mr. Drollinger said Filing #1 consists of 27 lots on 11.4 acres. An irrigation and drainage facility will also be constructed in conjunction with Filing #1. The applicant has adequately addressed staff comments/recommendations. He stated the staff recommends approval of the revised Preliminary Plan and Final Plan for Filing #1.

Mr. Withers asked Mr. Drollinger about the traffic lights at 28th and Patterson. Mr. Drollinger said the petitioner has submitted a traffic study, and Jody Kliska will review it.

Ms. Kliska, City Development Engineer, said the results of the traffic study showed a signal would be warranted. Mr. Withers asked if it would be tied into phase 1; Jody replied no it would not. She also said the funds would be collected on the lots and the City will probably continue to monitor the traffic.

Chairman Elmer stated that if Matchett Village is approved, one idea would be to connect Hawthorne and Ridge all the way through to 28 1/4 Road so people have that option to go to the existing light.

### **PETITIONER'S PRESENTATION**

Tom Logue, 200 North 6th, came forward to represent the petitioner. Don Dela Motte, the petitioner, was also present. The petitioner has completed an in-depth traffic analysis, given the existing and future conditions. Prior to the build out of this project, a signal would be warranted between Patterson and 28th Road. Also, the petitioner will complete about 1,000' of half street improvements along 28 Road on their frontage. The petitioner proposes to utilize that portion to offset against the transportation impact fee that still could remain in the neighborhood of \$100,000 cash which could be utilized for signalization and toward future widening of 28 Road and Patterson Road. Typically those signals could be constructed for less than that amount. He thinks it will require continued monitoring. The petitioner will continue to update the Planning Commission on the status of the traffic and other things that are going on around that property.

Mr. Logue said in answer to Mr. Elmer's question regarding the comment from the Airport Authority about sound-proofing, that the covenants do require sound-proofing, and the petitioner would also require sound-proofing for the homes in the future applications.

### **PUBLIC COMMENT**

Claude Early of 3745 Elderberry Circle in Spring Valley Subdivision stated surface drainage for the subdivision would drain into two areas. One would be a drainage facility that would be constructed in the southeast corner of the property, and the other drains to the west which would be handled by a drainage structure that would be constructed adjacent to 28 Road.

Mr. Drollinger said the petitioner has proposed an irrigation pond that would be located south of Hawthorne Avenue. Mr. Logue said the pond would store approximately 40,000 gallons.

### **REBUTTAL**

Mr. Logue said that the petitioner has shares from the Highline canal. The storage facility has been sized to contain a 36 hour supply. The site will be zoned in a manner to provide 33% of the people with water at one time. They have taken data from the Tri-River Extension service in terms of their recommendations for irrigation application rates and multiplied those by two. Mr. Logue said their studies have shown most people tend to irrigate four times as much as they need to. They will be developing a set of landscape standards that will be handed out to explain how the system works. They will attach some of the information the Tri-River Extension Service has in an effort to educate the people on how to conserve water. He said they will be using the latest in technology available for a pumping facility. They are confident they will be able to deliver water in a reasonable rate. They have found in watering areas, people's expectations exceed the ability of the system. They would not be able to provide a system that would deliver unlimited quantities of water.

Mr. Logue said that drainage no greater than historically runs from the site will be released. The petitioner will have three separate detention areas to control those releases.

Ron Halsey asked Mr Logue if they have anything in their covenants to enforce water usage. Mr. Logue said basically how much water is used is what they deliver to the site. The petitioner has designed a system that delivers approximately 18 gallons a minute in an effort to conserve water.

**QUESTIONS/DISCUSSION**

Thomas Volkmann said that a letter had been received from the Grand Valley Water Users Association expressing some concern about drainage. Tom Logue stated the proposal utilizes the existing open drain along the south side of the property. This drainage has historically been owned and operated by the Grand Valley Water Users. It has been suggested that "an agreement be made that basically says that we take over ownership and leave the drain in a manner that the irrigation runoff would continue to pass through this."

**MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #85-94-2, a request for revised preliminary approval and final approval for Filing #1, I move that the application be approved subject to the conditions in the staff report."**

Commissioner Halsey seconded the motion. The motion was unanimously approved by a vote of 6-0.

**3. #136-94 PLANNED DEVELOPMENT - NORTH AVENUE FURNITURE EXPANSION  
Request for approval of a 50' X 60' warehouse addition to an existing retail store in a PB (Planned Business) zone.**

**PETITIONER: Richard Sparkman  
LOCATION: 915 North Avenue  
REPRESENTATIVE: Art Butts  
CITY STAFF: Tom Dixon**

**STAFF PRESENTATION**

Tom Dixon gave an overview of the request. He said that the petitioner is proposing to construct a 50' x 60' building on the site just south of North Avenue Furniture. The proposed building is going to be used as a warehouse building for storage of carpet and pads. The PB zone was applied to this portion of the block in 1973. A rezone (#45-73) was requested from R3 (Residential) and P (Parking) to the PB in order to develop the site as an office/retail complex. The development was approved to have buildings no taller than one and one-half stories. The exterior of the buildings was approved to be built with cedar side boards in order to ensure compatibility with the residential area on the south side of Belford Avenue between 9th and 10th Streets. The rezone was approved and the development was built as proposed.

The addition of the proposed 3,000 square-foot warehouse building involves several issues. Compatibility, aesthetics, loss of parking and placement of a proposed warehouse at the nearest point to a residential area all need to be considered. Planned development zones are intended to promote harmonious and compatible development and to encourage the utilization of design elements to achieve these goals.

The location of any structure on the site should have an appearance that closely resembles the office complexes on each side of it. This means the exterior should be finished with wood. A metal building, even of a brownish color, does not sufficiently satisfy the need for continuity of appearance and similarity of materials.

The need to retain existing planting areas in the parking lot will provide a landscape buffer to the south side of Belford Avenue where existing residences are located. The retention of all existing landscaping is especially important because landscaping identified and approved in #46-73 has been removed and never replaced. The

approved landscape areas have now been asphalted or paved over. In order to conform with the approved plan, previously approved landscaping must be replaced. In addition, all existing landscaping should be retained in the parking lot in order to screen the proposed building and to make this request adhere to the intent and purpose of the PB zoning.

The proposed structure will eliminate eight to ten parking spaces. On several trips to the site, all on working days, excess parking was evident. The parking lot currently has several large transport trailers parked which are already being used as storage for North Avenue Furniture. These storage trailers are not approved uses on the site and need to be removed for they are in violation of the zoning code. Their placement eliminates at least eight parking spaces although there appears to be no adverse impact on the parking needs of the site. Currently, one or two of the offices are vacant.

The original approval of #46-73 had a total of 84 on-site parking spaces. Based on current code requirements for offices, the requirement would be for 45 spaces based on a building area of 13,300 square feet (the amount of square footage approved in #46-73). Retail use would have a parking requirement of 67 spaces. The loss of eight to ten parking spaces will not bring the provision of off-street parking spaces below code requirements. Full occupancy of office space should not create a parking shortage because of the proposed warehouse building.

The petitioner is proposing to locate the warehouse building on the south side of its property, 26' away from the curb of Belford Avenue. A landscape buffer 10' wide, the sidewalk, and a parking strip are between the curb and the proposed building. At the pre-application conference, staff recommended that the warehouse building be located next to the alley to facilitate easy use between the building and North Avenue Furniture and to preserve existing landscaping. The proposed location, adjacent to Belford, will require that the last remaining landscaped island in the parking lot, which has mature trees (a maple and a locust), be removed. This is contrary to the initial approved plan and cannot be justified on the basis of simple desire to place the building on this portion of the property.

If the use will be as a warehouse, the maximum distance between the structure and the residential area to the south should be required. Therefore, staff recommends the placement of the building be within 5' of the alley right-of-way and no taller than 20'. Placement of the building in close proximity to the furniture store provides better assurance the building will remain under use by North Avenue Furniture. Change of ownership of the building (if different than North Avenue Furniture) should be reviewed by staff to check for change of use, service availability and other factors relating to a possible more intense use.

Staff sees four issues involved with this request: 1) compatibility of design; 2) the exterior treatment, (originally a metal building was proposed); 3) loss of parking with placement of building in parking lot; and 4) placement of building close to residential zone.

Tom Dixon showed several slides of former and current buildings and landscaping on the proposed building site and slides of the area where the staff recommends the new building site be located.

He stated the key element of approval of this item is moving the building as far as possible from Belford in order to retain compatibility with the residential area.

The Staff is recommending that the proposed building should only be approved in a PB zone with the Staff's eight conditions and/or when the following issues have been addressed and resolved. Staff is suggesting that condition 6 be eliminated because it is covered under condition 8. (Copy of staff report in File #136-94)

### **QUESTIONS/DISCUSSION**

Chairman Elmer asked about the height of the building. Mr. Dixon replied that the height should not exceed 20'. Chairman Elmer asked why the trailers would have to be removed within 14 days of approval when the petitioner is trying to correct the problem by building a warehouse. Mr. Dixon said there is no enforcement on this property currently and that Staff was thinking if the building was to be constructed, the trailers should be removed because with the construction and the trailers a parking problem will result.

Mr. Elmer asked about moving the building back. He said you have a two-story office building and the offices in the east are all right up near the set-back of the street. Mr. Dixon stated this is a use question. It's a warehouse use, not an office/retail building. Also it is a matter of keeping the building away from a residential section.

Jeff Vogel asked if the petitioner is proposing the entrances for the warehouse be to the north. Mr. Dixon said "Yes, and it will have a small office in the building itself which will be facing on the north side."

Mr. Elmer said the petitioner should address the compactor. Mr. Dixon said the petitioner could mitigate that someplace else on the site.

### **PETITIONER'S PRESENTATION**

Keith Mumby represented the petitioner. He stated the storage of carpet and pads could be so terrible when there is an identical wall all along the street. The landscaping is in and it's mature. It would be completely sheltered.

The only complaints or comments they have had were about the big semi-trucks that park and leave their motors running all night. He said these transports sit on the south side of American Furniture's big warehouse which is immediately to the west of the petitioner's property.

The petitioner recognizes that the trailers are unsightly. The petitioner is undertaking a \$100,000 effort to clean up the lot and make it look better, not make it look worse. Mr. Mumby explained why it is impractical to move the warehouse up against the alley. He also said that in doing so will save two scrawny little trees, and have all the semi and van activity on the south side of the building rather than adjacent to Belford Avenue. He said two semi-trucks a day and five vans load and unload frequently on the lot; they are doing everything they can to keep this traffic away from Belford.

Mr. Mumby said in addition to the vans, the carpet layers size the carpet in the parking lot. Under this plan they will be able to cut their carpet in the warehouse, and they will back their trucks into the warehouse to load and then exit on 9th Street. All loading is completed by 10 am to 12 o'clock and then the area will be available for customer parking. Mr. Mumby said when this plan was originally adopted there were 27 parking spaces along the north side of the main building. The City prevailed upon Mr. Sparkman to do everything he could to encourage his customers to park in back and relieve the pressure on North Avenue. The building is moved up to the alley, the customers will not walk around the warehouse and will not enter the south side of the store. The petitioner can safely say if the building has to be moved up, it would be impractical.

Mr. Mumby stated that one planter with two trees will be removed. He also stated there is a very nice berm and landscaping along the entire south side and presented a picture.

The petitioner is willing to spend over \$100,000 to address this problem, but he can't do it in a manner that will be totally impractical to the operation of the business.

Chairman Elmer asked for an explanation of the flow of trucks on the site. Mr. Mumby demonstrated the traffic flow on the displayed maps.

Mr. Mumby said there is ample parking and once carpet cutters are gone all 16 spaces will be available. They are trying to address the problem, but you can't move that up there - - everything would be in the alley or on Belford.

Mr. Mumby said the warehouse will be finished with natural wood like the existing store building.

Chairman Elmer asked if they were proposing to move the trash compactor. Mr. Mumby said "absolutely not." He said the compactor was originally fenced and as volume increased trash was hauled by the City three times a week and the bill was over \$1,600 a month. The compactor now allows the trash to be compacted and removed about every other week. They would paint it any way they like. To remove that and put a trash trailer in with some landscaping around it will result in the City hauling trash away several times a week.

Chairman Elmer stated they are agreeing to putting back the landscaping that was approved in the original plan. The petitioner, Mr. Sparkman 945 North Avenue, said there never were any trees or landscaping. The only thing there was rock. The reason the rocks/gravel was removed from the particular island and filled with concrete was so when a semi came into the alley from the west to unload, the truck was not in the alley. The concrete is about 42' long.

The petitioner said quite frequently the 55' semi-trucks can't make the turn on 10th Street, so they go on down the alley to 11th street and make the turn out of there, or go on down to 12th street and make a right turn on 12th rather than try to get out into the Belford area.

Chairman Elmer asked if the record showed there was supposed to be landscaping in the islands. Mr. Dixon said the approved plan in 1973 did show landscaping.

Commissioner Withers asked if wood on three sides (everything but the north) is acceptable. Mr. Mumby said that was fine.

Commissioner Withers asked if they were proposing removing one landscaped area. Mr. Mumby replied yes.

Commissioner Withers asked what they plan to do with the trailers during the construction phase. Mr. Sparkman said that during the construction they will pile the carpet there. He just built a warehouse, and they will unload the trailers at that warehouse lot and transfer the merchandise to the store.

Commissioner Withers asked about the timing. Mr. Mumby stated that it takes about a month to get the building. The concrete slab needs to sit about 14 days and the final dressing up of the area. The trailers will be moved out almost immediately.

He said they have a contract to redo the complete block with the exception of the office building on 10th and Belford. Half of the parking lot has already been done with 2 1/2' overlay on the west side. It is their intention, as soon as the building is complete, to reseal and re-stripe the front part.



**PUBLIC COMMENT**

Craig Shelly of 3359 Star Court said they own the office building on 10th and Belford. He was concerned about adequate parking. They do not want North Avenue's customers parking in their lot.

**QUESTIONS/DISCUSSION**

Mr. Dixon said "We have a changing world where landscaping has a greater value, a greater purpose than it has had in the past. The City recently passed an ordinance requiring more landscaping with parking lots rather than less. So this proposal is actually going in the opposite direction of that."

Mr. Dixon continued; "the other issue that the petitioner needs to consider is that if you go to a mall, people walk a great distances from that. So I really question if that is a valid argument for the placement of the building."

Commissioner Withers said that he doesn't think the majority of these spaces are used by walk-in traffic. Most of the walk-in traffic parks in front of the store.

Chairman Elmer asked how much more parking exists than is needed with this proposal. Mr. Dixon said about 15 or 20 spaces. The loss of 8 parking spaces still has a margin of error for the petitioner exceeding the required parking by 10 or 12 spaces.

Commissioner Withers said if landscaping is required, would it be on at least two sides of the trash compactor. Mr. Dixon said the south side would work. The west side may not be on North Avenue's property.

Mr. Mumby said greenery can't be placed around the compactor because the trash is removed to the west. The compactor fills on the east side. He said they have a local gentleman who hauls their cardboard away at least two or four times a week. It does not go into the compactor so that we can keep the area much cleaner.

Mr. Mumby said the landscaping would not serve any purpose, and with the compactor there, it would be impossible to landscape on the east and west.

Chairman Elmer asked if Mr. Dixon considered movement of materials when he recommended a location for the building. Mr. Dixon said "Yes, that was another consideration." He said because there is some movement, activity and people and perhaps materials from the main building to the warehouse building, it would make sense to have them in close proximity to each other.

Mr. Mumby said he and Mr. Sparkman have discussed the staff recommendation. From an operational view point, Mr. Dixon is correct, but it is impractical unless you want to move the traffic down on Belford.

**MOTION: (Commissioner Withers) "Mr. Chairman on item 134-94 I move that we approve this request subject to staff recommendations stated in the Staff Report as here and after modified. Item 1 is alright as it stands; item 2 change the word 'no' to 'one,' item 4 alright as it stands; delete item 5; delete item 6; change item 7 to read the maximum height of the warehouse building shall not exceed the height of the building to the west; item 8 replace within 14 days of this approval with prior to the start of construction."**

Revised Staff Recommendation's will read:

1. The East, West and South exterior of the building shall have a wood facade on all exterior wall faces. Wood panels shall be brown on tan in color to provide a compatible appearance with surrounding development.
2. One landscaped area may be removed for the placement of this building.
3. The warehouse building is an accessory use for North Avenue Furniture. If future circumstances change the ownership of the warehouse building from that of the current store ownership, the use shall convert to office or retail within 90 days of the sale date. The change of use may be reviewed and approved administratively.
4. A site plan showing the entire site between the alley, 9th Street, Belford Avenue, and the West property line is necessary.
5. & 6. Delete
7. The maximum height of the warehouse building shall not exceed the height of the building to the West.
8. All existing trailers on the site shall be removed prior to the start of construction so that no off-street parking shortage is created by the building construction activity.

The motion was seconded by Ron Halsey. A vote was called, and the motion was approved 6-0.

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

1. **#72-93 AMENDMENT TO THE RIDGES PLAN**  
**Request for a recommendation of approval of the Final Development Plan for Filings #1 through #6, the Ridges, allocating remaining density.**  
**PETITIONER: City of Grand Junction**  
**REPRESENTATIVE: Kathy Portner**

Commissioner Volkmann excused himself from hearing this item because of a potential conflict of interest.

**STAFF PRESENTATION**

Kathy Portner gave an overview of the request. Ms. Portner said the Planning Commission had already considered a final development plan for the Ridges Development which was proposed to clarify the zoning rules, regulations and densities in the Ridges.

The Planning Commission recommended approval of that plan as proposed by City Staff with a few minor modifications, including the density allocations for the remaining undeveloped portions of filing 1-6. The density

for the undeveloped sites was not specified in the original zoning in the Ridges and there is some confusion as to how that density should be allocated.

When the City Council heard the plan it was approved with the exception of the density allocation. The City Council asked Staff to go back and look at other alternatives for acknowledging that the undeveloped sites that had a multi-family designation may be entitle to a higher density.

Ms. Portner presented three alternatives to the Commission (A, B, and C summarized below). Staff felt all of the alternatives are defensible and there are advantages and disadvantages to each of them. Staff is least inclined to support the density pool idea.

Ms. Portner stated that alternative A allocates a uniform 5.5 units per acre, however, it doesn't recognize a different status that the original multi-family designations gave to certain parcels.

Alternative B allows higher density for those lots designated for multi-family, however; it's still not clear that those sites that were originally designated for multi-family make sense for multi-family because of location, topography and infrastructure.

Alternative C brings the density up to 9 units per acre, borrowing the density from those "A" lots that haven't developed as duplexes. The problem with C is that the remaining density will not be known until some date in the future at which time those "A" lot owners give up their right for a duplex on that lot.

Given all the advantages and disadvantages, staff recommends approval of Alternative B-1 which recognizes a higher density for multi-family lots. It gives a range for those multi-family sites of 6.8 to 7.5 units per acre, depending on what happens with the pending re-plats and developments.

### **PUBLIC COMMENT**

The following citizens spoke in favor of the proposal:

Bill Boll 383 Hillview Drive the Ridges, Professional Investment Properties. He referred to the June 1, 1994 Minutes of The City Council meeting and the discussion regarding the equitable distribution of density.

Mr. Boll stated that he is the owner of a 2.2 acre multi-family property and holds a deed which states that it is a multi-family lot and shall not exceed 80 units per acre. (Mr. Boll showed the deed for this property - a copy is in file #72-93). The 5.5 units per acre as originally proposed would give him only 12 units maximum density on the 2.262 acre parcel. That is only 15% usage of the original deeded density. Mr. Boll agreed the 80 units on 2.262 acres is totally unreasonable. Twelve units on this particular property is also ridiculous. He felt a compromise was in order and wishes to work with the Planning Department. He wants to be able to market the property, if he can, or develop it himself. But he must have some criteria, some standard to develop it to make it a marketable property. He felt 9 units per acre was appropriate.

Mr. Boll made the following comments regarding options A, B, and C. Plan A of 5.5 units per acre he is totally opposed to; it is not economically feasible. He is partially in favor of plan B with 6 to 8 units per acre. He is totally in favor of C except for the 12/31/95 usage date which he thinks is an arbitrary date and totally

unfair. He also said, "I do wish your consideration of the nine units per acre which gives me latitude to either develop or sell for development."

Mr. Boll presented a letter that he received today from a Mr. Bundy which he would like to respectively point out, "is a sour grapes letter." Mr. Boll said that Mr. Bundy had offered him a sum of money for a partial ownership in the property. He thinks that adds to the sour grapes attitude of the letter.

Chairman Elmer read the following letter into the record:

*City of Grand Junction, Planning Commission: Re: Bill Boll D/B/A professional Development properties and Ridges Density plan, Mr. Boll bought 2.262 acres at 395 Hillview January 1, 1991 from the directors of Ridges Metro District for \$5,000.*

*Only the previous sale was by the original developers to Artyl D. Alred of Denver \$9,000. The P.U.D plan of the property show it was to be multi-family duplexes similar to the Cluster Condominium Duplexes immediately east.*

*The Boll site is not even suitable for the same density as the Cluster. It has frontage on Ridge Circle Drive and Ridge View Drive. The developer must provide an access street the length of the property. There is also a serious drainage problem that will be acerbated by construction on the site.*

*The serious drainage problem at the Cluster will require action on the part of any developer. The RME directors never intended to have a density greater than that of the adjacent Cluster for 395 Hillview and would not have approved any such density, who supplied the 80 unit "deed" should be questioned. Signed Kenneth Bundy.*

Bill Stubbs representing Dynamic Investments, Inc. 391 1/2 Hillview Drive, stated Dynamic Investments owns a substantial portion of property in the Ridges, and he is also a resident of the Ridges. Mr. Stubbs stated his intention was to replat some of his properties, reducing the number of lots and platting two multi-family sites into single family lots.

Mr. Stubbs also referred on the map to a 23 acre site which represents the major portion of the 37 acres that has been referred to as being the undeveloped land. That property was platted into single-family lots back in about 1980 or 1981. The plat was rescinded, and it was reverted to one lot primarily for tax planning purposes. The intention for that property was for a single-family development. He believes at the time there were about 97 single-family lots and about 4 acres of multi-family lots. The original property was actually about 35 to 38 acres including what was platted as open space.

Mr. Stubbs urged the adoption of Staff Option C as best serving all concerned, or density decisions should be further tabled until the Planning Commission can make a truly informed recommendation to City Council.

Craig Roberts of Ciavonne & Associates 844 Grand Avenue, stated "Prospector point is not the most positive development. It is single family homes which are inappropriate for the site. A multi-family site up there is more appropriate with more open space. He thinks multi-family would fit up there with the same number of people. On an aggregate basis it would have been the same density, but much more appropriate.- - " Multi-family allows people to have recreation spaces, adequate parking, living spaces that work."

The apartments in the Ridges have an overall density that is higher, but they have recreation spaces, adequate parking, living spaces that work. Prospector point has no adequate parking, nor the living spaces that adequately work. We need to look at that from the design standpoint and find out what the infrastructure can handle and allow that to happen. As a resident, I prefer to see the infrastructure used to it's fullest. It keeps our cost in control and thus our taxes in control. It is nice to say we will go in and review every site and see if it's appropriate. If a developer comes and knows they have to rezone every property it increases their cost and they are much less likely to develop that site to it's potential.

If the sites were zoned multi-family, and they are appropriate for multi-family because they are adjacent to roadways to handle the traffic, have the water, sewer, and have the access to the parks and open spaces.

To require development to go through a rezone process, will increase their cost once again. People need to take a look at what the impacts of single family homes are on sensitive areas. You have lawns up there. It's inappropriate. That's what's affecting the soils and making the unstable conditions up there. We can't look at in terms of what's been built and say that is too dense. We need to look at what is appropriate."

**THE FOLLOWING RESIDENTS SPOKE AGAINST THE PROPOSAL:**

Mark Ives of 2343 Mariposa, said children have not been hit so far, but if we increase the density, it will increase the risk. He reminded the Commission that this has been a boom bust valley historically and that he doesn't want us to have a lot of empty houses like we had 12 years ago. He also said people want space. They do not want to look out the window into a neighbor's house. That also has to be considered."

Angel Hagen of 405 Rana Court; Mike Russell of 371 Plateau Drive; Dan Baker of 2409 Sandridge Court; Irna Hill of 411 Stoneridge Court; Eileen Cunningham of 2326 1/2 Rattlesnake Court; Stephen Ives of 2349 West Ridges Blvd; came forward. They were opposed to a higher density and felt there should be limited development considering the topography. They felt there was a need for more available yard space and more space between houses. They were looking to the City to plan development. Roads and topography will not support density greater than 5.5. They were concerned about flooding that might occur with more development and requests that the City be very cautious before they turn any open space back for redevelopment.

Dan Baker, 2409 Sandridge Court, asked Kathy Portner what the density was for Prospector's Point. Ms. Portner responded that all the Ridges has an overall density of 4 units per acre. Some areas are developed at a higher density and some developed at a lower density.

**QUESTIONS/DISCUSSION**

Commissioner Withers stated "I agree with the need to keep density down to a livable amount, but there are several sites and several owners out there that have purchased and planned for years for a density greater than the norm. The deeded density is kind of an unfortunate thing. It is unrealistic in it's quantity, but it still gives the holder of that deed some feeling that he can do something more than single family units. There is a demand in the County for more than single family units. If on some of the sites the infrastructure is there, all the utilities, everything, then we should look at that. There is some merit to that. A lot of those houses are very close together. There needs to be some sharing."

Chairman Elmer said he agreed that it is a well designed subdivision overall. And that there is a lot of infrastructure and amenities in place. Some areas can justify higher densities. The sites themselves will restrict what can be built. As Mr. Roberts pointed out, giving a flat blanket density and then requiring the owners to

come through a rezone is a little burdensome, especially for the multi-family sites that were anticipated to be higher density. So I have no problems with Alternative B, the one the Staff proposed."

Commissioner Withers said "It still leaves the option for higher densities."

Commissioner Halsey said he agrees that some areas have been designated as multi-family. There is some legitimacy in some duplex/triplex type of development that might be a density slightly higher than the 5.5 size. "I agree that option B1 might be the best."

Commissioner Withers said the soils in the Ridges do require engineered foundations. Engineering can get around almost all the constraints to do any kind of building up there. It adds cost to the project, but that in itself isn't a limiting factor. But the topography of sites is a lot more limiting and will hold a lot of them down especially in the single family area. Some of the sites can take multi-family structures.

Chairman Elmer asked Mr. Shaver if there was any sort of notification requirement that justifies that date of 12/31/95 in Alternative C.

John Shaver, Assistant City Attorney, answered "The courts historically have looked at reasonable notice, and we have had lots of Staff discussion on what would constitute a reasonable notice. We felt safe in suggesting something over a year because of the process here and the process with the City Council. We do have to provide reasonable notice to avoid taking claims. The fact is that the A lots were approved for duplex units. The fact also is that even though we may not like it, that approval still stands. And that is one of the things that is clear from the County Development Files. So we need to consistently and conscientiously think about the problem and a year is legally sufficient to do that.

Commissioner Vogel pointed out this was a direction given to Staff by the City Council to get some other ideas to the Commission on how these allocations could be made. It's not that 5.5 is the right density. This additional information gives us a couple of alternatives.

**MOTION: (Commissioner Vogel) "Mr. Chairman, on item #72-93, AMENDMENT TO THE RIDGES PLAN, I move we forward this to City Council with the recommendation of approval of Alternative B1."**

Commissioner Halsey seconded the motion, and the motion carried unanimously, 5-0.

This project will be presented to the Council for another public hearing on September 21, 1994 at 7:30 p.m at this location (City Auditorium, 520 Rood Avenue).

Planning Commissioner Tom Volkmann returned.

2. **#114-94 VACATION OF RIGHT-OF-WAY - GLENWOOD AVENUE**  
**Request for a recommendation of approval of Vacation of Right-of-way for Glenwood Avenue located between Palmer and Palisade St.**  
**PETITIONER: Habitat for Humanity of Mesa County**  
**LOCATION: Glenwood Ave; between Palmer & Palisade**  
**REPRESENTATIVE: Donald Everhart, President**  
**CITY STAFF: Kristen Ashbeck**

**STAFF PRESENTATION**

Kristen Ashbeck gave an overview of the project with the Staff recommendation for approval of #114-94 subject to final approval by the Utility Coordinating Committee and reservation of the entire right-of-way width as utility easement.

Ms. Ashbeck stated that the Habitat for Humanity of Mesa County, Inc. is requesting a portion of Glenwood Avenue between Palmer and Palisade Streets on Orchard Mesa be vacated in order to make the property at the existing northeast corner of Palmer and Glenwood more feasible for construction. Presently, Glenwood Avenue is undeveloped and there are no existing homes that front the right-of-way, thus, the right-of-way is not needed to access any properties and it is not likely that it will ever be developed as a local street. All of the reviewing utility agencies have requested that the entire width of the right-of-way be retained as an utility easement.

Ms. Ashbeck said that the petitioner's existing property on the northeast corner of Palmer and Glenwood is encumbered by a drainage ditch that consumes one third of the parcel. This situation, combined with a 20' setback required from the Glenwood right-of-way, leaves a building envelope approximately 30' in width. This does not allow for building flexibility, particularly if the property owner would want to develop a multifamily use which the zoning allows. If the Glenwood Avenue right-of-way is vacated, the side yard setback would be the width of the easement retained in the right-of-way (40')--or the same as the existing south property line. This would leave a building envelope approximately 50 feet in width which offers more site plan flexibility.

The Community Development Department has not received any objections to this proposal from adjacent or other surrounding property owners. The request meets the criteria set forth in Section 8-3 of the Zoning and Development Code.

Ms. Ashbeck said that contrary to what the Staff report suggests, she spoke with the City Property Agent and there is no need to retain a right-of-way for a north-south alley. The City feels the existing north-south alley would never be developed because of having to cross the irrigation ditch. It just needs to be retained as utility easement.

**PETITIONER'S PRESENTATION**

Joy Scuraella, 2415 Brandy's Court, represented the petitioner. She said the Habitat for Humanity has not decided whether to construct one or two houses on the parcel. Habitat's goal is to provide as many homes as possible.

**PUBLIC COMMENT**

Jack Vigil, 1847 Palisade Street, asked what is going to happen to the alley behind his house. Kristen Ashbeck said their alley would be closed. Mr. Vigil would be able to access it from the north, but not from the south.

Tracy Manchester, 1916 Palmer, asked if the petitioner was proposing to build two houses or just one on that lot. Chairman Elmer said possibly two houses.

**QUESTIONS/DISCUSSION**

Mr. Elmer asked if the neighbors had been notified. Ms. Ashbeck replied yes. A member of the audience wanted to know if they were going to be taxed on that; and another person wanted to know if they were going to be able to use any of that property. These persons were told that they would be taxed on the property, and that they could use the easement, but their use would be limited. They would not be able to build on the 40', but it could be used as yard space and fenced.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item 114-94, the right-of-way of a portion of**

**Glenwood Avenue, I recommend that we forward this item to the City Council subject to the final approval by the Utility Coordinating Committee and reservation of the entire right-of-way width as utility easement.**

The motion was seconded by Commissioner Whitaker. A vote was called, and the motion passed by a unanimous vote 6-0.

Commissioner Ron Halsey left the hearing at 9:40 p.m.

**3. #129-94 REZONE FROM PR-17 TO PR-7/FINAL PLAN**

**Request for recommendation of approval to rezone from PR-17 (Planned Residential, 17 units/acre) to PR-7 (Planned Residential, 7 units/acre) and approval of a Final Plan for a triplex on approximately .59 acres.**

**PETITIONER: Steve Star**

**LOCATION: 2245 15th St.**

**REPRESENTATION: Randy Christensen**

**CITY STAFF: Tom Dixon**

**STAFF PRESENTATION**

Tom Dixon presented an overview of the project. He said that the proposal is for a triplex development of a vacant parcel of land containing approximately .59 acre of land. The parcel has the remnant of a foundation for a single-family residence which was removed at least 12 years ago. The Grand Valley Canal is directly North of the site, a four-unit condominium development is to the South, and the Double Tree Apartments are directly West. On the East side, the property fronts 15th Street for some 61'.

This parcel had previously been rezoned to PR-17 and approved for a 10-lot subdivision in 1982. The parcel was never platted, and the approved subdivision plan has now become null and void. The PR-17 zoning designation has been retained.

As proposed, the triplex would be a one-story structure with three attached units all accessed from 15th Street via a common driveway. Each of the units would have an attached garage. The site has an abundance of mature deciduous trees, predominantly Cottonwoods and Russian Olives on its Eastern half. The location of the triplex is proposed to be located on the western half of the site in order to maximize the retention of this grove of trees. In order to achieve this, a setback of 2' is requested on the west property line for the driveway and turns into the garages. A setback of 5' is proposed on the North side of the site to allow sufficient space for the driveway and turns into the garages. A 5' easement to benefit the Grand Valley Canal was thought to exist on the North side of the property. However, this easement is not recorded.

The proposed setbacks can be justified due to site constraints and surrounding development. On the West side, a drainage ditch is located on the Doubletree Apartment site. The apartments themselves are located roughly 50' from the subject property and the side facing the proposed triplex contains no windows or wall openings. A parking lot and a portion of a carport are located between the apartment building and this property.

The 5' setback on the North side is appropriate because of the location of the proposed driveway. This will allow the maximum distance between the proposed triplex and the canal channel, the proposed setback should not be detrimental to either residents or canal right-of-way users.



Staff is also recommending that the property be rezoned to reflect actual or potential development. The present zoning, PR-17, would allow 10 units on the site. This density is not realistic and is misleading. A rezone to reflect actual carrying capacity of the site is more appropriate. Staff is recommending a zoning designation of PR-7, which would allow the three proposed units plus a future additional unit if development and/or market conditions warrant. The purpose of creating a zone designation adding an additional unit is to preserve the petitioner's options and flexibility. In the Zoning and Development Code, the City may initiate a rezone in a Planned Development zone under Section 7-5-7 B. Lapse of Plan and Rezone. It reads in part, that the "Community Development Director may, if he/she deems it appropriate, initiate, without owner consent, a zoning change to the previous or another appropriate zone." In this instance, the more appropriate zone would be PR-7.

Mr. Dixon continued; the petitioner has responded to staff and agency comments. All issues raised are being addressed with the responding agencies. The main issue with development of the site is the sharing of access onto 15th Street with the owners of the condominium units to the south. The petitioner has contacted those residents and is working to arrive at a mutually beneficial means of a common use of the curb and a portion of the existing driveway, part of which may be on the petitioner's property. Any common access and/or use of the driveways must be done through a written, binding and recorded easement which ensure the common use and maintenance of the driveway. Such an easement must be reviewed and approved through the City prior to recording.

Mr. Dixon stated that the petitioner is not supportive of a rezone at this time, as recommended by staff. The reason is that all options want to be preserved for the possibility of a future additional unit or two if market and development conditions warrant it. While Staff recognizes this desire, more than one additional unit is not feasible; and, furthermore, the recommended rezone to PR-7 allows some flexibility.

Mr. Dixon read portions of a letter from John McArthur, one of the owners of the condominium: "the condominium association does not object to a common shared access agreement with Mr. Star. But they are desirous of having a written, binding and recordable agreement between the owners of the Star Property and ourselves for the shared access to the Star Property." Mr. Dixon said he understands Mr. Star is working on some kind of agreement that would be approved by the City planning, engineering and the legal staff.

Mr. Dixon said there was an undefined drainage easement running through the property and that Mr. Star has been working with a drainage company on that; and he thinks there has been a resolution. Mr. Dixon thinks that should be made a condition to approval and it should be defined.

Mr. Dixon said staff recommends approval of the proposed triplex and approval of the Rezone from PR-17 to PR-7, subject to the Staff's conditions.

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

Steve Star, 2824 Orchard Avenue, said when he bought the property he did not know about this process and that it had been somewhat frustrating, costly, and time consuming. Because of this frustration he requested a meeting with Mark Achen, the City Manager and Mr. Dixon. After the meeting he wrote a letter to them. He read the following letter into the record:

*Dear Members of the City Council:*

*Recently my wife and I purchased a half-acre (maybe a little more) on 15th Street, just north of Orchard Avenue. This parcel of ground was covered with trees and as senior citizens we envisioned living the remainder of lives in a country setting right in the middle of our City.*

*We were hoping to get started immediately on the project when we were informed by Larry Timm, Community Developer, that we would be required to go through the zoning process. The first road that opened was the \$700 fee that they had to pay. A package of information had to put together for the 10 different agencies, and they would have to wait until September to find out what decisions would be made just added salt to the wound because we certainly did not want to get into that cold winter in our construction. The property sold for 17 units per acre and in 1982. The former owner received permission to build 10 two story unit complexes. The trees on the site would assuredly have had to be cut to accomplish this. The owners, as I have been told, got caught up in the economic bust that hit the valley in 1982 and were unable to get their project off the ground.*

*It would appear to me that your governing body would have encouraged the type of in fill that we propose. And provide for enough flexibility in your zoning guidelines to accommodate our kind of project. The current rigid zoning rules do now allow for special cases such as ours. We planned to build on a one story triplex on the property zoned for much higher density. It would have much lower impact on the area in every respect, and would be much more acceptable to the surrounding acres and the general public.*

*For one thing we planned to save just about all the healthy trees to make the park-like setting we have in our plans. My wife and I would appreciate that you, the City Council, give serious consideration for eliminating or decreasing the \$740 dollar fee we were required to pay. And also consider giving your professionals, the planning staff, the authority to make judgment calls in cases such as ours. Principally you are penalizing or putting people through this unreasonable process that we are now subjected to. (this is no slam at you people here on the Commission). It is a process we find unacceptable. I invite each of you to visit our site to give you the opportunity first hand to find out exactly what we intend to do. I am confident that you will then more clearly understand our position. Please call me at 245-3947 and arrange for a meeting, or I will gladly pick you up and drive you to the property. (Of course I never heard from anyone). I Respectfully Submit. (Copies were sent to Mark Achen and Larry Timm.)*

Mr. Star added when they bought this property they envisioned a six-plex, but decided that might be a little too large. Then they got down to a five-plex, but after computing the cost of that five-plex it was too much debt for someone the age of 70. Mr. Star decided they could live with a triplex. His wife's aunt, who is a coronary patient, will be living right next door to us. Perhaps one of our daughters will be moving into the third. However they wanted to have that flexibility because maybe they would need more room because they have more family.

Mr. Star also said that sometimes there's the need for rentals in this valley. "That's why I'm not too keen on the 7 units per acre." The room is there with lots of room for parking. He stated that he would rather that the Commission consider the 8.5, so if someday if need be they would have a place to build the two units. He would like to work that out with staff. He said that may never happen, but he would like to have the option.

Mr. Star said that the drainage district would like the trees to be cut down next to the road because the District says they conflict with the irrigation (when the winds come it causes the trees to have a pumping action). They would

like to have 15' from center on each side as an easement.

Mr. Star questioned the need for him to be here. He said "If he were asking for more density I can see the need because I believe in good planning and good zoning." He stated that he has spent 30 years in government and has established the first zoning and citizen's planning committee in L.A. Harbor. Some of these cases should be judgment calls on behalf of the professionals that you have.

Chairman Elmer said the Planning Commission does not have the authority to waive the application fee; however, a recommendation can be made. He added the current proposal is an amendment to the approved plan; therefore, you have to come back through the zoning process. Mr. Star said some of the rules should be changed. Mr. Elmer said that the State Legislature has to start that process.

**PUBLIC COMMENT**

There was no public comment either in favor or opposition.

**QUESTIONS/DISCUSSION**

Chairman Elmer said this is a down zoning from 17 units per acre. There were no existing buildings on the property; however, the water tap and sewer tap are there.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item #129-94, I recommend that we approve this proposed triplex and recommend to the City Council to approve a rezone from PR-17 to PR-8.5, subject to the recommendations in the Staff report. Modify Item 7 by changing the word 'one' to 'two,' strike 'attached, is to are,' and add an item 8. An easement shall be established for the clay pipe that runs through the property.**

The revised recommendations are as follows:

1. The location of the proposed triplex shall conform to the submitted and approved site plan.
2. The West setback shall be at least 2'.
3. The North setback shall be at least 5'.
4. The maximum height of present and future structures will be 32'.
5. The Eastern half of the site shall remain predominantly as a landscaped area for the duration of the project.
6. A common driveway use and access easement with the property to the south shall be reviewed and approved by the City prior to planning clearance. Such an easement shall be recorded with Mesa County Clerk and Recorder.
7. **MODIFIED TO READ:** Two additional units are allowed under this proposal providing that the petitioner gets approval through a Site Plan Review application process. This review will evaluate site design, circulation, and conformance to previous conditions of approval.
8. **IN ADDITION:** A easement shall be established for the clay pipe that runs through the property.

Commissioner Whitaker seconded the motion. The motion was passed unanimously 5-0.

Mr. Dixon said the next item involves a rezone. He said the rezone is being tabled or withdrawn, and asked Randy Christensen, the petitioner, if that was correct. Mr. Christensen said they are withdrawing their request at this time to allow more time to study the items of concern.

Commissioner Vogel asked to be excused at this time.

- 4. #131-94 MINOR SUBDIVISION/REZONE FROM RSF-4 TO PC (TOMKINS SUB.)**  
**Request for recommendation of approval to subdivide 3 acres located at 605 Meander Drive into 3 parcels, consisting of .86 acre, .52 acre & 1.623 acre.**  
**PETITIONER: Kathleen D. Tomkins**  
**LOCATION: 605 Meander Drive**  
**REPRESENTATIVE: Randy Christensen**  
**CITY STAFF: Tom Dixon**

**STAFF PRESENTATION**

Mr. Dixon gave an overview of the request. He said this is a three lot replat of a parcel along Patterson Road situated between Patterson Road and Meander Drive. The Hi-Fashion Fabric Store is located on Patterson to the East. Meander Drive winds to the North. There is an existing residence on the proposed Lot 1 zoned RSF-4. The house gets access to Meander via a driveway easement that passes across proposed Lot 2.

The petitioner's main objective is the creation of a second buildable lot for a single family residence. That would be on proposed lot 2. Proposed Lot 3 was looked at as a potential rezone parcel to take advantage of the fact that it has frontage on Patterson, and the trend along Patterson is for commercial development to occur. Mr. Dixon said that with this proposal, without the rezone three separate lots would be created under the RSF-4 zone. One will have the residence on it, the other two becoming vacant lots. The purpose of not wanting to go with the rezone at this time on that property, is that the City wants to have some time to look at the frontage access situation along this stretch of Patterson and to the west all the way to 25 1/2 Road.

The City needs time to study this site to determine how to access the site and other sites to the west before rezoning the parcel for commercial use. This may be done either by access along Patterson, a frontage road that would provide access without numerous curb cuts along patterson, or an actual new road alignment.

The City staff needs at least three or four months before anything definitive is decided on where the right-of-way that would be. The Petitioner's representative has been very understanding of that desire, and understands the need for time to study adequately to put forward a good recommendation to the City Council. The petitioner is agreeable to holding to the 3 lot replat at this time.

Mr. Dixon stated lot 3 will require an access easement across lot 2 to hook up with the existing driveway to access Meander Drive. With any kind of rezone approval on lot 3, the access to Meander Drive would be eliminated because it would no longer be a residential lot. Staff is recommending approval of the 3 lot replat with the following seven conditions. Those conditions are as follows:

1. A 20' wide easement from Lot 3 to Meander Drive is required and shall be indicated on the final re-plat.
2. Access onto Patterson Road shall be prohibited for Lot 3 until such time as a rezone of the property is

reviewed and approved.

3. Open space fees for two additional lots will be required and are payable at the time of final platting.
4. All easements shown on the plat need to be dedicated to someone for a purpose.
5. Water service provided by the City for fire protection and/or domestic use must be extended on Meander Drive. The developer will be responsible for the cost of extension. Approval of plans shall be done by the City Utility Engineer.
6. A sewer trunk extension fee of \$1,350 will be required for Lots 1 and 2 prior to platting.
7. An easement across Lot 1 is required in order to provide access to Lot 2 for future sewer service.

Commissioner Withers said, "Because we are asking them to delay the rezoning at this time to benefit our study, will the petitioner have to repay all the fees when they come in to rezone on 3 and vacate the right-of-way that goes across on lot 2?" Mr. Dixon said the petitioner will and the reason being the fees were paid for a straight rezone, not the fees for a planned development zone.

**PETITIONER'S PRESENTATION**

Randy Christensen spoke on behalf of the petitioner. He said a specific use is not contemplated for lot 3 at this time, but a B-1 zone type use is what is anticipated.

The 20' access easement from lot 3 connecting with Meander Drive is being drafted to ensure no land locked parcels. It is in no way to be construed as a functional access to that property in the future. At the time the petitioner requests the rezone, the access off of Patterson will be addressed. As long as it can be vacated without a lengthy, expensive process, the petitioner doesn't have a problem with it.

Mr. Christensen asked that the request for the 75' setback on the front of lot 3 be withdrawn because that issue is dealing with the potential of a frontage road that may run from 25 1/2 up to this property. Because of the location of High Fashion Fabrics to the East, it would serve nothing in that direction. He said that can be dealt with after Staff has had time to study the issue and determine whether or not that will actually have a physical impact on this property or not.

Mr. Christensen asked Tom about No. 3 referring to the open space fees. He said that the open space fees were paid at the time that this subdivision was originally platted. Mr. Dixon said that evidence as to how much was paid and for what must be provided, but new buildable lots are created the fee is \$225 per lot. Tom also clarified the 75' setback question that was under the preliminary recommendation. He said this that was eliminated last week with the restriction on the access onto Patterson Road.

Mr. Christensen said his only question would be the clarification of open space fees because, according to the information, fees had been paid at the time of platting and further open space fees would not be required. He said that beyond that he thinks that we see eye to eye, and with a little time we should be able to develop this into a clear and concise plan that will benefit the area in the future.

Mr. Christensen was asked to state that he was withdrawing the application for rezone at this time until the Staff has time to gather the necessary information. Mr. Christensen withdrew the application.

**PUBLIC COMMENT**

There was no comment either for or against the proposal.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item #131-94, I recommend that we approve the 3-lot re-plat subject to the terms 1-7 noted above.**

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

Commissioner Volkmann returned.

- 5. #133-94 REZONE FROM RMF-32 TO PB & FINAL PLAN**  
**Request for a recommendation of approval to rezone seven lots from RMF-32 (Residential Multi-Family, 32 units per acre) to PB (Planned Business). and approval of a Final Plan for a drive-up banking facility and parking lot.**  
**PETITIONER: Grand Valley National Bank**  
**LOCATION: Southeast corner of 7th St. and Teller Avenue**  
**REPRESENTATIVE: Robert Jenkins**  
**CITY STAFF: Michael Drollinger**

**STAFF PRESENTATION**

Michael Drollinger gave an overview of the request. The applicant is requesting a rezone and final plan approval to construct a drive-up bank facility to be located at the southeast corner of Seventh Street and Teller Avenue. The site contains Lots 6-12, Block 27. Lots 10 and 11 are bisected by a North-South alley. Surrounding land uses are single and multi-family residential to the East, South and West and business uses to the North and Northwest. The existing Grand Valley National Bank building with drive up is located to the Northwest of the site and has two drive up lanes. The applicant proposes to close the existing drive up facility upon construction of the new drive up facility.

The existing zoning on the parcel is RMF-32 (Residential Multi-family, 32 units per acre). The applicant requests a rezone to PB (Planned Business).

The parcel is presently used as parking for Sutton's Printing. Parking is not a permitted use in the existing zone and is the subject of current Code Enforcement Department action. This development proposal includes a parking lot for 11 vehicles which would serve Sutton's Printing.

The applicant's original proposal was for the construction of the drive up facility with 5 drive-up lanes, and a 900 square foot building for operations and record storage. Also included in the proposal were 19 parking spaces. Site circulation was proposed from two driveways and from the North-side alley along Teller Avenue.

Mr. Drollinger continued; as a result of preliminary Staff review and recommendations, the applicant has modified the proposal. The proposal now calls for the initial construction of three drive-up lanes with two lanes reserved for future expansion. In addition, the East driveway on Teller Avenue was eliminated as per staff's request. The petitioner proposes to widen the alley from 15' to 20' to accommodate the additional traffic.

The Staff recommendation is denial of the rezone request. The business zones to the north of Teller Avenue and

beyond were approved to accommodate businesses which at the time were small and had little impact on nearby residential areas. With the success of these businesses came the need to expand. With expansion comes the need for additional property and increased traffic impacts on the surrounding area. Expansion of the businesses requires further encroachment and impact on residential areas which originally it was thought would not be impacted by these businesses. This pattern is typical of what is occurring in many areas of the City where business zones and residential zones are adjacent to each other.

Staff believes approval of the subject rezone request will continue the pattern of encroachment of nonresidential uses into the downtown residential area and will adversely impact the existing residential neighborhood. Approval of nonresidential zoning south of Belford Avenue where none presently exists between 2nd Street and 11th Street will set a precedent that will further encroachment on nonresidential uses. Staff believes a nonresidential rezoning of the parcel will have the additional impacts listed below:

1. The proposal is not consistent with the purposes of zoning set forth in the Zoning and Development Code or with established City policies. The proposed development is not in keeping with the residential character of the area south of Teller Avenue and will adversely impact the integrity and character of the residential neighborhood. While the need for the expansion of the business is not disputed, the location of the proposal outside of established business areas with available land for development and redevelopment is inappropriate. The applicant has not demonstrated that the site is uniquely suited for the proposed use or that the site is not appropriate for multi-family development. The drive up bank use does not necessarily rely upon its proximity to the primary bank facility to function successfully. In fact, there are existing examples in the City of drive up facilities not adjoining the primary bank office, such as NorWest Bank in downtown. Both the "Downtown Neighborhood Residential Guideline" and the "7th Street Corridor Guidelines" include specific policies to discourage the encroachment of nonresidential uses outside of established business zones. The Teller Avenue area is not specifically identified as a transitional area from residential to business uses.
2. The intensity of the proposed use is greater than current zoning, - Build-out of the site as currently zoned would only yield 7 to 10 multi-family units generating less traffic. The intensity of the proposed use is greater than which would be permitted by existing zoning. It is our estimate that only 7 to 10 units of multi-family housing could be constructed on the parcel, even though the maximum density which is permitted by zoning considering the size of the parcel would be 16 units. The maximum number of automobile trips generated from 7 to 10 units of multi-family development would be between 70 and 100 trips per day. The petitioner has indicated that the current drive up facility serves about 220 trips per day (with only two drive up lanes). Thus, the proposed use (which would ultimately have five lanes) would generate over twice the number of vehicular trips than if the site were developed under current zoning and would be built with the capacity to accommodate far more.
3. The City has recognized the need for multi-family sites near the downtown and services - the subject parcel is an opportunity to meet this need. The need for additional multi-family housing in the community is well documented; however, the number of sites located close to downtown service which can take advantage of existing infrastructure are limited. The subject parcel is an opportunity to meet this important goal.
4. Nonresidential development of the parcel, especially as an auto-oriented bank drive up will impact the integrity of the historic district, even though the parcel does not lie directly within the district.

The character and historic significance of a historic district is partially determined by the "landscape" in which the historic district is set. The 7th Street Historic District is the oldest, most intact residential area in the city

which relies upon the surrounding areas outside the district to help maintain this character. Further encroachment of businesses in close proximity to the historic district, especially an auto-oriented use such as a bank drive up, is not consistent with the prevalent historic development pattern of the area.

In regard to the rezone criteria Mr. Drollinger offered the following comments to summarize staff conclusions in regard to this application.

Mr. Drollinger stated that Staff feels there is no evidence that the existing zone was in error at the time of adoption. There has not been a change of character due to installation of public facilities, other zone changes, and new growth trends, deterioration, development transitions, etc. There has been intrusion of businesses to the North. However, the South side of Teller Avenue and areas further South remain exclusively residential.

Mr. Drollinger continued; the petitioner has documented a need for the expansion of the business which Staff does not dispute; however, the benefits of the proposed expansion are outweighed by the negative impacts of the use. Expansion of the business could occur elsewhere in the area zoned for such a business use.

The proposed rezone is not consistent with the purposes of zoning, the character and integrity of the surrounding area, the established zoning of downtown residential area and the character of the historic district located immediately to the South. Benefits of a rezoning are not apparent. The benefits of a bank drive up facility could be met elsewhere - where allowed by zoning. The "Downtown Residential Neighborhood Guidelines" specifically discourage additional non-residential encroachment into residential area. The 7th Street Corridor Guidelines do not specifically address Teller Avenue; however, the guidelines do specifically recommend against further encroachment of nonresidential uses outside of established business zoning.

Staff feels that the request for the non-residential zoning of Lots 6-12, Block 27 is not supported by the rezone criteria and denial of the rezone request is recommended.

Mr. Drollinger said this site will generate additional traffic at the 7th and Teller intersection and additional traffic onto Teller Avenue which is primarily a residential Street. Staff also feels that additional traffic will be generated into residential alleys. Because there is no practical way to restrict the traffic exiting the drive up facilities from using the existing alley ways.

Also the petitioner in the narrative claimed that 30 to 35 cars are presently being parked on residential streets will be removed as a result of this proposal. Staff feels that claim is unsupported based on our own field survey which was done by our engineering staff. On average only 10 cars are parked on the street. In addition the survey shows that both the Sutton's lot and the bank's North parking lot are under utilized and could accommodate much of the on street parking.

### **PETITIONER'S PRESENTATION**

Fred Aldrich, Attorney at Law, 200 Grand Avenue, came forward for the petitioner. He said he is not here to present the information for the bank in this case, but instead call several people to present various aspects of their request.

Rob Jenkins, architect, who created the design and studied the zoning criteria, addressed the physical characteristics and the Staff comments.

John Frederick, 216 30 Road, talked about the banks perspective and what goals it seeks to achieve as part of this



rezone request and what the banks sees as the benefits to the City.

Jim Mackley, employee of Grand Valley National Bank, spoke about an informal poll the bank took to try to gauge a good reaction to this proposal.

Mr. Sutton, owner of Sutton's Printing, spoke about the benefits to him and what he perceives to be the benefits to the neighborhood and some of the site's characteristics and history.

Mr. Aldrich said to be very much aware of the fact that the bank and Mr. Sutton is sensitive to the issues that the Planning Staff has raised. What the petitioners are talking about is the interaction between the pressures for success of the business use and commercial development along 7th Street and the legitimate needs and concerns with the neighbors who reside in this historic neighborhood. He stated that he felt that this plan offers excellent opportunities for the City that address sound planning needs.

Rob Jenkins of Chamberlain Architects, 437 Main Street, said Grand Valley National Bank has been part of the downtown neighborhood for nearly 12 years. In 1983 the bank erected a modular facility with one drive-up window with employee and customer parking in the North half of the parcel. Now the site is fully occupied. The South-half of the lot from Teller to Belford was at that time occupied by three structures, all commercial and business in nature: a two story insurance and real estate office, an old residence which was being used for dental offices, and a long standing automobile garage on the corner of Teller and 7th. In 1988 they razed the garage and the residence house with the dental office. The bank added to and remodeled the two structures which then become the core of their present facility. At that time they sold the modular building which is now serving as an insurance office on Patterson Road. The bank landscaped the entire site and preceded with their growth of business. In 1992 they added to their facility, not adding drive-up lanes but adding offices to the East and landscaping the South portion of the site.

Mr. Jenkins said that this building and its entire physical plant is residential in character -- not only the building but the operation as well. A statement was made that the drive-up facilities may exist off site. NorWest Bank downtown has a drive-up facility. But in no way shape or form does Grand Valley National Bank resemble NorWest Bank downtown either in size of their banking business or in the traffic generated by humans and vehicles served at their current facility. This proposal would improve the bank's facility and would be an improvement of the service to their customers, many of which are downtown residents.

Mr. Jenkins stated "they together with Mr. Sutton made this rezone request in order to make improvements upon their business and improvements to the physical appearance and character of that site which now lies vacant. The proposal, as Mr. Drollinger said, would provide for a very small single story structure. In keeping with the present and permanent banking facility to the Northwest, it would set almost dead center in the five lots to the West curbing on 7th Street."

Mr. Jenkins said the building would resemble the existing facility. It would in purpose provide easier, faster access and more efficient service to their drive-up customers who now access two lanes at the present facility to the West of the building. In the process of building this structure, the bank would eliminate the drive up facilities at the present site. In place of that drive up facility, the bank would then create on site parking for the 10 to 15 cars that now park primarily on Teller. The proposal did not identify 35 cars which would be removed. Thirty-five cars would in fact end up on the street if the proposal isn't granted. That number is derived, not from the bank parking, but the employees from Sutton's Printing that now park (not in conformance of the law) on a vacant lot. The cars would then go onto the street. The rezoning request and the building of the new facility would in fact bring cars off of

Teller and primarily off of the side streets back onto the on-site parking.

The proposal would give a known alternative the question of development of the parcel. The question of what gets developed on this site that has remained vacant for quite a number of years. It would provide good quality development. It would be a development which would fully landscape this site in conformance with the type of landscaping the bank has already on their present site. It would provide physical improvement, visually as well as functionally, of this site that has remained vacant for a number of years.

Planning analysis concentrates very heavily upon an area downtown that the bank knows is a downtown residential neighborhood. This is an interesting area, and the Planning Staff discussion characterizes it as an area which stretches from Belford to Ouray Avenues and from 2nd to 11th Streets. Planning characterizes it as a cohesive residential neighborhood. Staff characterizes the area as a residential neighborhood, an area of the City that is almost exclusive residential in use.

Mr. Jenkins said, "I contend that there is only one major characteristic of this area, and that it is divided by a very heavily trafficked area from North to South, in and out of downtown Grand Junction, namely 7th Street. The neighborhood is not cohesive in nature. Its uses are not almost exclusively residential in character. They are of very mixed use as noted by Mr. Drollinger's map. There are residential uses throughout. There are churches, there are schools, there are day care, there are many commercial and business uses throughout the area. There is, in fact, an upholstery business on a residential zoned property directly East of the property in question. It's an area which is in transition. It is an area that is characterized primarily by North 7th Street."

North 7th Street is defined and regulated by the 7th Street Corridor Guidelines adopted by the City of Grand Junction. Guidelines which both regulate and recommend the use of that corridor. These Guidelines split 7th Street into four sections. The Guidelines are part of our submittal to you."

Mr. Jenkins quoted from these guidelines. "Seventh Street will be split in four sections."

1. Horizon Drive to Hill Avenue (remember the Hill Avenue is south of the property in question and is the northern boundary of that historical district.) an area in transition from single-family residential to business.
2. Hill Avenue to Grand Avenue is a historically significant area.
3. Grand Avenue to Ute Avenue is business and retail.
4. Ute Avenue to the Colorado River is heavy commercial and industrial area.

Mr. Jenkins went further into the Guidelines. He said they talk specifically about the area where this site is located. Directly North of this site, the Guidelines discuss the area from Bunting to Belford as an area which is perfectly suited to commercial and business.

The Guidelines then skip down to Hill Avenue to Grand which is the historical district. Zoned PR8 and is specifically designated for residential use. The two block distance from Belford to Hill is not further discussed. This property lies right in the middle of that two block area. Mr. Jenkins said, "Remember though, that the Guidelines specifically define the area of Horizon Drive to Hill as an area in transition headed toward business use. The area from Belford to Hill has no specific identification following that. Its use now is less than 50% residential. More than 50% of that area fronting on 7th Street is either commercial or business or is vacant as is this lot. The businesses include Grand Valley National Bank, Sutton's Printing, Homestyle Bakery, and a title office. The residences all lie to the south of Belford."

The rezone criteria are very important to this proposal just as the definition of the 7th Street area which would be occupied by this rezone application. Staff indicates that the first point of contention is that the rezone application is not consistent with the purposes of zoning. The purposes of zoning identified by staff are to ensure logical growth to guide the orderly transition of urban areas to protect and maintain the integrity and character of established neighborhoods.

Mr. Jenkins said, "Let's go back to the established neighborhood here. The neighborhood is of mixed use obviously. It is a neighborhood that is less than 50% residential. It's a neighborhood that already houses business. Directly to the north is a business filled property line to property line. This particular business and this particular rezone application absolutely looked for ensuring logical and orderly growth in this area. The growth of a site that has remained undeveloped for years. A site which has not been an opportune site for developers for both a multi-family house or single family residential. A site that has remained undeveloped. A site that under this rezone application could be developed in an orderly fashion, and in a way which would conform to the mixed use character to the immediate neighborhood. I concur that the intensity of the proposed use is greater than the current zoning. There is no intensity specified by the permitted zoning. The intensity of use is an interesting question to look at. If we looked at the alternative for this site that would be built out multi-family residence as Mr. Drollinger said, the maximum just on the west half of this proposal would be 17 units and if we look at the intensity of traffic in a little bit different way, each unit would have associated with it two vehicles, since that is the American way. It would be proposing 26 to 30 cars additional to that site. If in fact, the proposal is accepted, the bank would be for the most part simply relocating existing traffic pattern and quantities from their existing site to this site. And in the process would be removing parked vehicles from the neighborhood Streets. We contend that in fact the intensity of the proposed use would be less use than if the alternate fully developed multi-family option would be carried out."

Rezone criteria no. 3 asks: "Is the proposed rezone compatible with the surrounding area?" Of course it is. Part of the surrounding area, part of this fabric which is not just residential but is the businesses to the North and West -to the North and to the East of this property on existing residentially zoned property. It is in conformance. It's a very small section. It is residential in character. It is fully accessible, so it is compatible with the surrounding areas. What are the benefits derived by the community in granting the proposal? Of course one of the primary benefits would be that this site would be developed. In fact it hasn't been developed because it is not an opportune site for multi-family or single-family. And it would be developed in a very positive way. It would be fully landscaped and parked cars now on Teller would be brought on site. And is the proposal No. 5 in conformance with the policies of the City of Grand Junction? Do I need to quote again the statement that Horizon Drive to Hill Avenue is an area of transition from single-family to business. And finally are all the services available? Yes they are and the Staff understands this. Based upon the character of the development, upon advantages to the neighborhood and the benefits of this development, we would suggest approval of this rezone application. Thank you.

John Fredericks, President of Grand Valley Bank, said that, "The bank was chartered in 1983 and is locally owned. They have been and intend to be a part of the community, and that they have been looking for a logical site for a drive in facility now for two or three years. This is a logical site for us. There are legal limitations on what we can do. For instance, someone suggested the old Safeway their on 7th and North Avenue. By State Law we can't locate a drive in within 500 feet of a main office of another bank, which would be Bank One. He said the bank has investigated a number of other sites and none are applicable for us. The example of NorWest downtown was given. Again, we are not a NorWest bank. We are a relatively small bank in this community."

He said, "I would like to stress again, there would be no immediate addition to traffic in the neighborhood. The traffic is already there, and it would be moving it from our present site to the corner of 7th and Teller across the

street."

This is an opportunity for Grand Junction to allow a development which would fit in very well in the transition from residential, and we would get cars off the street. He said, "It is public, I guess we could park there; but it is an irritant to some of our neighbors. Although, they have been very kind to allow us to park on Teller Avenue. By eliminating our present drive-in, we can move a significant number of automobiles off the street onto on site parking. The comment was made that there is a lot of space in your current parking lot. At times the banks parking lot is empty and other times, particular during the busy times, (banking is very sporadic activity) there is no parking whatsoever. People park up on Belford and walk to the bank."

Mr. Fredericks said that the assets of the bank are approximately four-million dollars, and they have 35 or so employees. He said they have proved that they are good neighbors with the landscaping they have done on their present site and intend to do in the future. Thank you."

The third speaker Mr. Aldrich introduced Mr. Mackley, 125 Bookcliff Avenue. He is a Grand Valley National Bank Employee. He said Rhonda Martin helped him with this informal survey. He referred to a map that they had included in their packet. It shows the 97 sites that they visited within the prescribed area surrounding the proposed site. The survey was primarily taken in the middle part of the day when a lot of people in this area work so it is not 100% accurate. Of the 97 places contacted there were 30 people who signed stating that they would be willing to support our efforts to the zone change. There were four who were opposed to the project. One person on the fence. And 62 parties they never did contact and they did not do any follow up calls because those would have had to be performed in the evening in order to catch these people at home.

Mr. Mackley described items that the bank included in their packet: three photographs, (the former church nearby, neighboring properties to the East, and the banking background which shows the landscaping around the existing bank) a cover letter that they left with the parties they contacted, the architects rendering of the project, and copies of the signatures of the people favoring the bank's project.

The fourth speaker Mr. Aldrich introduced Darrel Sutton, owner of Sutton's Print Shop at 904 North 7th Street. Mr. Sutton said he has 24 employees, soon to be 25. The traffic into his business is approximately 100 vehicles a day. He pointed out that staff claims that this was a homogenous residential area and that Sutton's was going to infringe on it. He said "nothing could be further than the truth." Across the street in the 1980's Mary Maids had their cleaning business. Behind the vacant lot is an upholstery business. Down the street is a nursery school that has two buildings. There used to be a church with a church school that had been torn down. The reason they tore down the church was because they were going to put a mortuary up there and they didn't because of some financial things. These were already done. He said that, "The homogenous nature just isn't so."

Mr. Sutton said 7th street is a historic corridor in Grand Junction and we could not change that, and, "That's a fact of life." From Grand Avenue to the river is going to business and commercial and from Hill to Horizon Drive it is going to be commercial. Half of it is already commercial if not so now and the other half will soon be commercial "five years max."

In regards to the parking, he said that for 13 years his employees have parked in that parking lot and the City says it is not a parking lot. He said that the church and Suttons had an agreement when he first opened up 13 years ago that the church could use my parking lot on weekends, Sutton's could use the church lot on weekdays and the church would use it other times.

Mr. Sutton said that the bakery, the title office, the dental office, my print shop, all of the above have abutted the houses behind them with out any complaints. We have always been good neighbors. He said no one is going to build an apartment complex on that ground because the property is valued \$105,000. He has an appraisal and it is in your report. Mr. Sutton said he wouldn't pay that kind of money to keep my people off the street, and not parking in front. Mr. Sutton said it will cost him money to put this in. A free ride would be to park on the street in front of his neighbors and he doesn't need it.

In regards to the parking spaces they use he said, "They won't let me park there because they say there is no parking, and yet they are going to allow somebody build an apartment there with 20 parking spaces. That's not rational thinking." Sutton's Printing is trying to be a good neighbor, and the neighborhood is under complete transition. He said that Sutton's Printing is not trying to do anything that hasn't already been done. This area is going to be commercial. If we don't do it, somebody else will."

Chairman Elmer asked if there were going to be any additional cars at this drive up? Why does the bank need a five car drive up now? What is the intent and purpose?

Mr. Jenkins said that what is proposed is a drive up with three lanes that has the capability to provide steady slow growth in the future. He said that in the proposal the number one primary objective was to provide better and more efficient service to their customers. Secondly, it is to provide more off street parking on the present site. He said initially the drive-up will expect the same number of cars. Over time the bank would be able to process more cars. What will happen is if they process even 50% more cars. The rate of processing will remain the same rate as it is now in existence. It is not a two or three fold increase in the traffic.

Chairman Elmer asked does the bank have a long range plan that at some point will you be coming back and rezoning another area - do you have a feel for where the bank is going. Mr. Aldrich said the bank obviously feels that growth is part of it's long range plan. They have grown and expanded their business over the past 11 years. They have looked at opportunities for expansion even from the properties adjacent to them, but those properties, believe it or not, the property directly to the west was zoned business. And it was zoned back to residential. The bank had an opportunity to purchase that and probably would have expanded west had they been able to do that. They made that choice. They lost that opportunity. They feel the best opportunity now is on this site. They need proximity. They are not like NorWest Bank.

#### **STAFF COMMENTS**

Michael Drollinger said he wanted to clarify one of the items Mr. Jenkins had mentioned. The site design for residential development on this property could accommodate 15 to 30 cars. Again, it's our estimate that only 7 to 10 units could be built on that entire site, not just that portion west of the alley. There are design standards in the ordinance which would require some screening and certainly adequate placement of those parking spaces.

Certainly as the businesses expand, they claim that initially there would be no additional cars drawn to the area which is correct. But ultimately with 5 lanes there is certainly the capacity for expansion. Staff feels there is capacity for a significant increase in the amount of traffic that would be processed through the drive up facility.

The second point is that Mr. Jenkins noted that a geographic area which he described as nonresidential in character, and certainly I agree with Mr. Jenkins that area as he described it is primarily nonresidential in character. Where the area that I am talking about is a larger area, and indeed not all the uses are residential in that area. These are residentially zoned, and in a residential zone, the City of Grand Junction policy makers have determined that there are other uses that were deemed to be generally compatible with residential uses. Those uses would have to conform to the RMF-32 or RSF-8 or RMF-64 for zoning in order to be located in those areas. Businesses, though, are still not permitted in any of these residential zones.

Mr. Drollinger said another item was that ten cars were mentioned as the number staff had come up with that were parked in front of the bank facility. The ten cars that I was referring to are street parking on both sides of Teller Avenue. That is what we found as a maximum at any time on both sides of Teller not just the bank's side.

Another point is that the pathway that was described by Mr. Sutton that goes from Teller Avenue on to this parcel is one of two driveways. One services the alley which probably has been there since that area was plotted. The other driveway would recognize any kind of earlier use. The City doesn't generally close driveways when improvements occur; and the second driveway likely represents an earlier access to that property. And certainly when it comes to defining an area that is nonresidential in character that justification could be used by the next business, if this were to be granted. If that business wanted to expand further South, then again the justification can be used for another business that wants to expand, and eventually you have a primarily residential area that no longer is residential because everybody said they have a business located adjacent.

Finally Mr. Drollinger raised an issue regarding the utilization rate of the present parking facilities that the petitioners have. The utilization rates that Staff found don't support the position that they need additional parking. On the Sutton's lot 3 to 5 cars are parked on the lot with a capacity of 15.

Another question that Mr. Drollinger had for Mr. Sutton specifically is that staff found that there were about 15 -16 cars parked on this site right now. They are only proposing 11 parking spaces to accommodate 15 - 16 vehicles. Mr. Drollinger asked them what would be done with those additional vehicles. Would they be parked on the street or would he utilize the existing parking he has now to accommodate those? Mr. Sutton responded that the cars would be parked in the street.

The utilization rate of the Grand Valley National Bank's North lot averages 6; the capacity of the lot is 17. So staff feels that there is additional capacity there to accommodate some of the traffic that's going onto Teller now, namely some of their employee parking.

### **PUBLIC COMMENT**

**In favor of the project:** Bob Barker, 627 Teller, said he has lived there for 30 years and that place has changed from a laundry to a bank and "by golly the bank had done nothing but improve the neighborhood around there." The building that was torn down, that the bank representative spoke of over there was nothing but an eye sore. And now that we have a chance to improve it, Mr. Barker indicated he thinks the bank should.

### **Against the Project:**

Ralph Schmidt, 546 North 7th Street, read a copy of a letter plus three letters from people who live very close to them. His grandfather was instrumental in helping the City design and make the 7th street islands which make that

street so beautiful. Mr. Schmidt said the letters support what Staff has concluded about this proposal, and it was heartening to hear Mr. Drollinger speak to this issue. He asks that you deny the proposal.

The following letter was read into the record:

*We are adamantly opposed to the zone change from residential to business with the Grand Valley National Bank in question. Allowing for the zone change for the bank at the corner of North 7th Street and Teller Avenue will be the beginning of the end not only to the surrounding residential neighborhood and the 7th Street Historical Corridor, but the whole downtown residential area. It will create a domino effect that will allow the residential area to be nibbled away at for residential use. One only need to drive on Grand Avenue from 1st to 12th Street to see the negative impact that patch work zoning can have on an area. It quickly becomes obvious that business and residential areas need a buffer between them. If business encroachment is allowed to continue in these residential neighborhoods, it will spread like an out of control cancer; and in time there will be no downtown residential area. (That is not a hypothetical possibility, it has happened).*

*By way of contrast one only need to drive on 7th Street between Hill and Grand to see what preservation and visionary planning can do to beautify an area, and uplift the spirit of those who live in and visit such an area. (We think it more than coincidentally that when President Bush and Barbara Bush visited Grand Junction, they were driven through the 7th Street Historical District.) Older residential neighborhoods in the downtown area are in danger of becoming extinct. These neighborhoods need to be protected and respected even by those who do not live there and drive through there. We are not against development, but development should follow the criteria and guidelines that have already been established. In the Downtown Residential Neighborhood Guidelines adopted by the City Council on July 6, 1988, the North Avenue Corridor Guidelines suggest that "while commercial zoning and uses along the corridor are appropriate, the existing residential uses abutting the corridor should be protected. Business and multi-family residential uses may be appropriate on the north side of Belford to buffer the existing single-family residents from use of commercial development. Belford should be the buffer on the north, and Grand Avenue should be the buffer on the south."*

*The Guideline goes on to state that "Business/commercial uses should be provided to the major corridors." That is 1st Street on the west, North Avenue on the north, 12th Street on the east, Grand Avenue on the south. "Encroachment of nonresidential uses into existing residential areas should be discouraged." -- "The downtown residential neighborhood is recognized for its historical significance."*

*In the Grand Valley National Bank's Project Narrative it states that the business is in use directly east of the property. (across the alley, in fact that business did not require a zone change because it is a cottage business.) The narrative goes on to state that cars would exit via the existing concrete surfaced north/south alley, and that all property areas would be paved. And traffic would enter and exit at an existing curb cut on Teller Avenue. This again would mean the traffic has to exit the drive through facility through the alley to Teller. But the 7th Street Corridor Guidelines state "access be limited to those streets accessing 7th Street and not the alley way or street parallel. The Guidelines continue: "The alley ways should not serve as private parking lots, or provide access for nonresidential development except when extenuating circumstances are shown to make this type of access more appropriate than other alternatives."*

*The Bank's Project Narrative also says the 7th Street Corridor Guidelines State that, "The site that is in*

*that area is identified as transitional, and the best method to develop the site in a controlled fashion to meet commercial needs without adverse impact to the Historical District is through the planned business zone." - - "This approach allows for the transitional development of the site in accordance with 7th Street Corridor Guidelines without adversely affecting the Historic District."*

*But this is not correct. The Guidelines state that south of Bunting Avenue, the Belford Avenue is appropriate for business and commercial development within the existing zoning. Encroachment into adjacent residential areas is discouraged to prevent additional nonresidential impacts with increased activities north. Traffic is the real issue. The project narrative says that, "Two-hundred and twenty cars a day will be using the drive through facility and that as the bank continues to grow of course customer traffic will also increase." This would likely have what the Corridor Guidelines call, "An adverse impact to the immediate residential area in the 7th Street Historical District."*

*A drive through bank also is going to increase traffic in the north/south and east/west alleys. There are several small children in the area, and their safety will become a greater concern to parents. There will be traffic signs, but the traffic will greatly increase the chances for a child or adult to be seriously injured or killed by careless drivers.*

*The Project Narrative states that, "As it currently stands, the site could be developed by any type of multi-family structure that meets the RMF-32 Code requirements." Those requirements are strict, and according to the Downtown Residential Neighborhood Guidelines, "Multi-family zones allow for more than one structure per parcel provided that the density is not exceeded, setbacks are met, maximum lot coverage is not exceeded, and parking and landscaping requirements are accommodated. RMF-32 zoning limits each structure to four dwelling units." This would not require a zone change. The use would remain residential, and impact from the east traffic would not be a factor.*

*The City Council continually stresses the quality of life in Grand Junction is most important. The banks development would not improve the quality of life in the downtown residential neighborhood. We choose to live here because we want to live in an older residential neighborhood just as some people have chosen to live in the suburbs. Residential is the key word, and no matter where you live a zone change to allow business encroachment to a residential neighborhood is not appropriate. As it has been pointed out there are several properties now zoned as business that the bank could use.*

*We ask that the Planning Commission abide by the guidelines that have already been established. We encourage you to take the advise of your own Staff and deny the Grand Valley National Bank Proposal. Thanks very much.*

Bruce Cronkhite, 732 Hill Avenue, said his property directly abuts the property in question. He is concerned about his property value and said the petitioner told me that the value is not going to change, but the families who would buy my property. Families would be turned off by living right next to a high traffic area. The bank says it will use the alleys for outgoing traffic. People already use the North/South alley way; it is almost a "street want-to-be." He thinks the banks lights will flood his back yard at night and his bedroom windows. He objects to the banks hinting in their letter that if this variance isn't granted, the area would be immediately sold for the erection of a 32 unit low income housing. He believes this was a subtle scare tactic. Although it is not illegal, this type of tactic causes him to seriously doubt that the bank will continue to be a good neighbor. He asks that you deny the project.

Pat Olson, 545 North 7th Street, said that 10 years ago lots were empty and were houses were being torn down in that neighborhood. Since then this residential area has built up; people have put a lot of money and time into their



homes and are proud of their neighborhood. It is not becoming more business, it is becoming more residential. She asked that the project be denied.

Marilyn Green, 726 Ouray Avenue, said that the downtown community is a mixed neighborhood. There are old people, young people, poor people. It is a big ethnic mix, and they offer the best of downtown America in that mix. She asked that we preserve this old town quality. She said that the occupancy has been on the rise. If this decision is made it will drive families out of the downtown area because it will not be a safe place. You will hear these arguments again and again and you will establish a precedent. We do need to take the long view on behalf of families who provide the stability to the downtown area that we cannot afford to lose. We do not need an inner city in Grand Junction.

Kristy Hoppenger, 1812 White Avenue #B, said that she works at the dentist office referred to by the petitioner. She said the bank had not asked any questions of them. She said she would like to get married and someday she would like to own and live in a home on 7th Street. She thinks that the whole community should take an example of 7th Street and notice the people who live on that street and take care of their homes they way they do. She asked the Planning Commission to deny the project.

Mike Best, 736 Hill Avenue, he also believes his property will be affected negatively by this proposal and traffic is a very big concern. The alley has become like a two-way street there because people are already entering and exiting there in both directions. He has safety concerns because his child rides his bike to school everyday. He asks that you deny the project.

Perry Patrick, 621 North 7th Street, said that there is a lot of speeding on the street now and with more traffic the speeding will increase.

### **PETITIONER'S REBUTTAL**

Fred Aldrich said that traffic concerns can be addressed through the zoning process. The petitioner has already offered to do so through the controlled planned business zone. The development is a part of an analogy that you are not going to have control over. The contention that the upholstery business is a cottage industry is not correct. It clearly is a violation of the Code. It is an illegal business there. Not that we are trying to criticize them or make that an issue, we think it does demonstrate the continuing transitional nature of this area.

It does not have the homogenous character that has been presented by Staff or by some of the people speaking that are opposed to petition. Another point was made by the public about how this would create a ghetto like environment and that somehow this would result in a downsizing of a residential area. The comments miss the point of what this petition is all about. That site is going to be developed in one form or another. If you go residential multi-family at 32 units per acre to the maximum amount allowed, all you have to do is meet bulk requirements and there is no control. That means all the concerns these people have about traffic, about how things appear will go unaddressed. This could be the worst thing that could ever happen to them. And there is nothing, absolutely nothing, they can do about it. Whereas the proposal we make has tremendous number of controls available to you and the planning staff. To control traffic, to control site design, to control the impacts on the surrounding area.

This site ultimately is going to be developed, but it isn't going to be developed as a high quality, victorian style, multi-family residential that is painted all those colors. It simply doesn't have that feasibility to it. We offer a very reasonable, a very controlled and a very attractive environment that will not be detrimental to the area. I am sympathetic with the comments that have been made by the neighbors. I have lived in the neighborhood, and I know what that is. I think you are missing the point behind this application. It is planning and looking into the future. We

need to see that something has to be done with this site that makes sense for this area. And I don't think it makes sense as residential multi-family area. Presenting potentially all of the evils and risks these people are concerned about, and now you have presented in front of you a bird-in-the-hand that has the controls and that meets the needs of the business. And with that I urge you to consider the petition favorably as an attempt to make sense out of this site from a planning prospective. Try to meet the competing needs in a sense of what it can do for you. Thank you.

### QUESTIONS/DISCUSSION

Commissioner Volkmann asked Michael Drollinger about how staff came up with that number concerning the traffic concerns. Michael said it's true that the actual numbers trips that will be in the vicinity will be the same. Initially the traffic at the original site or across the street at the drive will be the same, but certainly some of the movements that these people will be making will change as a result specifically in the alley access. Certain turning movements relative to vehicles in and out of this site will be different than those across the way. They did not request a traffic study on it, so he can't say what those turning movements will be because trip distribution numbers have not been generated. In terms of the actual volumes of traffic staff thought the petitioners number of up to two hundred twenty certainly is based on what they counted as their present flow. But with additional capacity and anticipating future expansion of the business, there will no doubt be increased traffic. If there is greater stacking and greater processing capacity certainly it lends itself to further traffic being generated.

Commissioner Withers said as much as he would like to see a drive in window and maybe some 24 hour machines, he thinks the Commission's hands were pretty well tied by the guidelines. Chairman Elmer said that it is a guidance.

Chairman Elmer said that his overall feeling was that lines have to be drawn somewhere. It is a residential area and it has to be protected. The area is very close to parks and schools and the integrity of that area should be upheld. The traffic can't be controlled; people will be turning; they will go down those alleys. It is a ripple effect. The criteria requires compatibility and once you see more and more of this, pretty soon we start convincing ourselves that it is the right transition. I think the policies and guidelines of the city are to protect the downtown areas so I am against it.

Chairman Elmer said, "I would also offer as food for thought that all through that area is zoned RMF-32 and someday the zoning will probably be corrected to reflect what the build up is. My suggestion would be that it will probably occur in the next two years during the master planning."

Commissioner Volkmann said the Southern end of this residential district is Grand. So we are essentially protecting the buffer zone even though there isn't one to the South. Is that accurate? Michael said there is still some residential area on the south side of Ouray. There is still a buffer, but that buffer is being encroached upon as areas are being rezoned. That is still the most contiguously zoned residential area as it exists now. There are still patches of residential zoning immediately surrounding that, but that has been shrinking over the years. The Historic District runs right down to Grand. The 7th street Historic District has a planned residential zone district attached to it.

Commissioner Vogel said that he is not satisfied with the handling of the left turns from Teller onto 7th, and that he had turned onto 7th many times and from Teller. It is not fun. That fact is going to pull traffic through more residential areas because people are going to avoid that turn.

**MOTION: (Commissioner Vogel) "Mr. Chairman, on item #133-94, I move that we forward the request for a rezone to PB (Planned Business) at 7th Street and Teller Avenue to City Council with the recommendation for denial.**

Commissioner Whitaker seconded the motion. A vote was called, and the motion was approved with a vote of 4-1.

Chairman Elmer ask the petitioners if they would like to appeal this to the City Council. The petitioners said yes. Chairman Elmer said that hearing will be in two weeks on September 21, 1994 at 7:30 p.m.

6. **#135-94 REZONE FROM PR-4.7 & PRELIMINARY PLAN - MICAELA'S VILLAGE**  
**Request for a recommendation of approval to rezone a parcel of land zoned PR from 4.1 units per acre to 4.2 units per acre, and approval of the Preliminary Plan for Micaela's Village Subdivision consisting of 38 single family residential lots on approximately 8 acres.**  
**PETITIONER: J. Lloyd Rodriquez**  
**LOCATION: 2694 UnawEEP**  
**REPRESENTATIVE: Dan Brown, Q.E.D.**  
**CITY STAFF: Tom Dixon**

### STAFF PRESENTATION

Tom Dixon presented an overview of the project for this proposal. He said the proposal is for a preliminary plat of a 38-lot subdivision on a parcel containing approximately 8.2-acres. The lot sizes range from 5,425 square feet to 8,259 square feet. Access to the individual lots will occur from a new (unnamed) road having four cul-de-sacs, each cul-de-sac providing frontage for no more than seven lots each. There will also be one road connection onto UnawEEP Avenue (to the South) and one onto Olson Avenue (to the North). The road connection with UnawEEP aligns with David Street and the connection at Olson aligns with Lamp Lite Road. This site is presently zoned PR 4.1. Because the actual density proposed with this subdivision is 4.7 units per acre, a rezone to PR 4.7 is also requested.

This subdivision was submitted several months ago and has been through a couple of revisions in order to address staff concerns. While there are concerns with this layout, several constraints exist for this parcel which limit its optimal development potential. These are listed below:

1. Access onto UnawEEP Avenue is restricted for both individual lots and road connections. This necessitates an internal manner of circulation and access for most of the lots.
2. Access connections to the north are limited to Lamp Lite Road and Olson Avenue. Olson has a substandard road width and dead ends on its west end, near the Northwest portion of this site. However, if the lots fronted onto Olson Avenue, the street could be more fully utilized. Olson Avenue presently is improved with curbs and sidewalks along a portion of this property.
3. The property's configuration has over 1,000 feet of frontage along UnawEEP but only 339 feet of depth. This configuration limits the most efficient manner of parcelization.
4. A previous approval of a rezone from PR 4.1 needs to be changed to reflect the actual density being approved. Under this proposal, the density is 4.7 units per acre.
5. The area of detention for site drainage may not be sufficient. This problem has been acknowledged by the petitioner. Lot 1, Block 1 may have to be eliminated, depending on final drainage information.

The setback proposed by the petitioner are as follows: Front = 20 feet, Rear = 15 feet, Side = 5 feet

The petitioner should consider reducing the front setback to 15 feet with a minimum garage setback of 18 feet.

Since this subdivision will generally be an internally focused development, these setbacks would be appropriate and provide a stronger sense of neighborhood by generating a better street connection. A height limit of 32 feet per structure will be recommended by staff. This is the standard maximum height in the single-family residential zones.

As it is currently designed, this proposed subdivision cannot be supported. Outstanding issues include:

1. The need to make Olson Avenue a full-width street with curbs and sidewalks the full length of the property on its North side. A complete sidewalk is important for it is part of a pedestrian path to nearby Columbus Elementary School.
2. Olson Avenue needs to be a curved road that connects with UnawEEP Avenue.
3. A street layout which eliminates the excess number of cul-de-sacs and which provides a more circular and continuous manner of traffic movement.
4. Curb returns need to be finished on all of the corner lots to allow proper turning radii.
5. Fencing around the subdivision needs to be shown and identified for height and material.
6. "No Access" restrictions will apply to all lots fronting on UnawEEP Avenue and must appear on the final plat.

The petitioner has been advised to consider alternative designs for this subdivision. Based on comments from other agencies, the full dedication and improvement of Olson Avenue, including providing a direct connection between Olson and UnawEEP, necessitates a re-submittal. It is acknowledged that re-designing this subdivision may result in fewer lots than the 38 proposed at this time. On a previous submittal (#87-94), only 32 lots were proposed. It is the petitioner's responsibility to provide an acceptable alternative to this layout.

The petitioner has responded to comments generated by staff. The intent is to pursue the preliminary subdivision request, as proposed. Issues the petitioner disagrees with are:

- a. The need to design Olson Avenue to a full-width street standard. The petitioner is willing to provide a curb and sidewalk along Olson to match the existing improvements.
- b. The direct connection between Olson and UnawEEP.
- c. A re-design of the subdivision since it has not been clear what staff would support as an acceptable subdivision design.

The Staff recommends denial of the proposed 38-lot subdivision. A revised subdivision should be submitted that addresses the issues and concerns identified.

Denial of the rezone from PR 4.1 to PR 4.7. A final rezone will be considered when a preliminary subdivision is approved in order to determine an accurate zone.

**PETITIONER'S PRESENTATION**

Dan Brown, 2743 1/2 Cheyenne Drive gave the presentation for the petitioner.

**PUBLIC COMMENT**

There was not public comment in favor of the proposal,

The following residents spoke in opposition to the proposal. Don Surgess, 1163 Santa Clara Avenue; Fred Green 1151 Santa Clara Avenue; and Louise Green, 1151 Santa Clara Avenue. They were concerned with the traffic on Lamp Lite Park and the curve on the north side of Santa Clara.

Tom Dixon entered a letter from ??? into the record.

**REBUTTAL**

Dan Brown said certainly one of Mr. Rodriguez's main concerns with this development is safety. From the outset the petitioner believed he had no business being in Lamp Lite with that road. The petitioner felt it was good planning to screen off and live and let live. Basically Lamp Lite has been self contained to themselves. They've got a system worked out when a person leaves his house to go to work he knows which way to go. You open that up it is going to be experimental. Everyone is going to be experimenting until they get their patterns worked out. It is impact on Unawep, but it is not that big of an impact when there is only one access. "So it looks like we could kill two birds with one stone so to speak."

One of the main concerns for the recommendation for denial was the unimproved Olson Road. It is just substandard, but it's existed up here. It seemed to serve as a driveway for a few houses over there, and it dead ends. It doesn't go anywhere. And the idea of fronting these lots on Olson and building sidewalks on this main street winds up with double fronted lots that probably aren't sellable anyway. Why can't this subdivision exist unto itself? I think that's a good plan.

The sidewalk to the school certainly is an important issue and one that we are in total agreement with. Everything that the planning wants the petitioner is basically ready to give. The petitioner wants to get out of this. Most of the things that were mentioned here, as far as not being addressed, are things that will be addressed at the final stage. And I ask you to remember that we are asking for approval of a preliminary plat. The 5 concerns will be addressed at the final stage. When we come back with engineered plans and designs. So we are asking basically for approval of this basic concept and we will make the changes that need to be made to comply with your recommendations.

Chairman Elmer said the Planning Commission is willing to agree with 1-5, but you don't seem to be willing to improve Olson. The petitioner is willing to improve Olson. We would have to change the configuration pretty drastically. We would have to squeeze it down a little more. It's not that drastic. If we don't access into Lamp Lite, then that is back yard. It is a fenced screened in back yard to Olson and the need for improvement seem rather academic. Commissioner Volkmann asked why would he be required to repair someone else's over sight, if he wasn't going to use it.

Chairman Elmer asked Jody Kliska about existing road dimensions. She said there is 25 feet of right-of-way dedicated. It is a vertical curb on the North side with curb, gutter and sidewalk. From the edge faced of the curb to the edge of the curb to is 25 feet. It looks like road encroachment on Mr. Rodriguez's property.

Full street width would have to be 28 feet of pavement. Mr. Dixon said there is sidewalk along Olson up to about the edge of Lamp Lite. There is this section that would connect between Lamp Lite and the school that does not have sidewalk.

Mr. Brown said that they were given real clear directions from the Planning Department that we needed to bring our

road load over to line up with David Street instead of Bacon. We were given instructions that basically the plan would not be accepted that they would even deny us a hearing on it unless we insisted, and they would definitely recommend denial unless there was a connection into Lamp Lite and into Olson.

There was a great deal of discussion about the placement of the road ways.

Mrs. Green said that if Olson was opened up westward, they would lose the security of their R.V. storage center. A resident of that area said, "Can I ask why there is such a push to have a through street on the back side. They evidently don't want the street to go out there because it apparently destroys some of the property back there where they have back yards and so on. The other subdivision that's already there does not want the entrance in there." If someone went out there and looked at it, it is only a one block street, but it has two common areas that come into it where children play. And I hear this safety thing and the traffic thing all night. The man wants to build a subdivision, and we've got one and we don't want through traffic, but somebody is going to put it in there."

Mr. Dixon said it is really an engineering concern. It is difficult when you only have one access onto UnawEEP.

**QUESTIONS/DISCUSSION**

Chairman Elmer said there are good reasons to have more than one access into an subdivision. One is traffic flow, two is access for emergency vehicles or any other vehicle.

Commissioner Withers said it makes more sense to get rid of the Lamp Lite and put it through at the third cul-de-sac.

Chairman Elmer asked if there were two entrances out to UnawEEP would there also remain an access out to the East.

Jody Kliska said that whatever is considered that the City at least get some curb and gutter improvements on it.

After a great deal of discussion about different road site areas, they decided to make a motion.

**MOTION:** (Commissioner Volkmann) "Mr. Chairman, on item #135-94, I move that we approve the subdivision with the following revisions on staff comments 1-6. Item 1. be modified to 'sidewalk curb and gutter on Olson only. ' Item 1 would be modified so that the sidewalk, curb and gutter modification goes just to the end of the property line and that somewhere along the Olson Road area a pedestrian path be put through to connect this subdivision with road over to Columbine. (have a walk way over to Columbine.) Delete item 2. 3. remain as written. 4. The street connection on the plat going to Lamp Lite road would be deleted. 5. The easterly cul-de-sac marked lot 4 would become a through street connection to Unawweep similar to the street opposite David Street. I further recommend that we approve the rezoning from PR-4.1 to 4.7."

Commissioner Vogel seconded the motion. A vote was called, and the motion was unanimously approved by a vote of 5-0.

**7. #1-94 (O) AMENDED FEE SCHEDULE AND PENALTIES**

**Request for a recommendation of approval of an amended fee schedule modifying the review fees for planning clearances, fences, and signs and adding penalties for failure to obtain permits.**

**PETITIONER:** City of Grand Junction

**CITY STAFF:** Kathy Portner/Tom Dixon

**STAFF PRESENTATION**

Tom Dixon presented an overview of the request for approval of the amended fee schedule and penalties. He said this proposal is just to increase a couple of fees for minor planning clearances, fence permits and sign permits. Currently on planning clearance for example, there was no fee for interior remodels even though staff has to review the applications. Staff is proposing to charge \$5 for interior remodels, to increase the single family residences from \$5 to \$10 dollars, and accessory structures from \$5 to \$10 as well. Fence permits are currently \$5 and would be increased to \$10. Sign permits currently range from \$5 to \$15 depending on the square footage, in increments of \$5. The proposal is to increase sign permits to \$25 because they do take more staff time than some of these other planning clearances because of the calculations involved for each permit. If a site had multiple signs then \$25 would be charged for the first sign and \$5 for each additional sign. Currently someone could actually pay more for multiple signs on our current sign permit fee schedule than what is being proposed here. Staff is also proposing the doubling of fees in situations where a sign permit was not gained prior to putting up a sign as a penalty.

**PUBLIC COMMENT**

There was no public comment on this proposal.

**MOTION:** (Commissioner Volkmann) "Mr. Chairman on item #1-94 (O) amended fee schedule and penalties, I move we forward this onto City Council with a recommendation of approval with a revision that in respect to the penalty proposed for any permits after signs have been put in place the penalty be increased to \$100."

The motion was seconded by Commissioner Vogel. The motion passed unanimously 5-0.

**8. #1-94(K) TEXT AMENDMENT - SITE PLAN REVIEW**

**Request for recommendation of approval of a text amendment to Sections 2-1-1, 4-13 & 9-5-1 of the Zoning & Development Code clarifying the requirements for site plan review.**

**PETITIONER:** City of Grand Junction

**CITY STAFF:** Tom Dixon

**STAFF PRESENTATION**

Tom Dixon gave an overview of the request. He said this is basically the same staff recommendation ordinance that is in the Commission's packets with the exception of some changes. The changes have been high-lighted. On the first page, the review states that site plan reviews also apply when a change of use occurs on a site when the new use falls in a different category than the existing or previous use. The example given is retail to office. A change of use is one of the prime examples of when site plan review is required. There are some problems on how staff defines the matter, with people being convinced that staff should not be requiring them to go through the site plan review on a change of use. So staff's codifying that fact to clarify that. Added to the applicability. Added to the ordinance on the first page is: Site plans reviews also apply in any change of use on a site as determined by the administrator. That is where staff can evaluate a change of use based on demand or some other issues. On the final page, an addition under A at the bottom of the page was made. Site plan review is required for all site development except for single family residential and for any change of use on a site as determined by the administrator. Staff feels this will help us administer the site plan review thoroughly and adequately and persistently.

**PUBLIC COMMENT**

There was no public comment either for or against the proposal.

**MOTION: (Commissioner Withers) "Mr. Chairman, on Item #1-94 (K), I move that we forward this on to the City Council with the recommendation of approval.**

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

- 9. #112-94 ZONE OF ANNEXATION FOR HOLLAND ENCLAVE**  
**Request for recommendation of approval of zoning of C-1 (Light Commercial) for a 7.60 acre parcel of land currently being annexed by the City located at 112 Power Road.**  
**PETITIONER: City of Grand Junction**  
**LOCATION: 112 Power Road**  
**CITY STAFF: Dave Thornton**

**STAFF PRESENTATION**

Dave Thornton presented an overview of the request for approval.

**PUBLIC COMMENT**

There was no public comment.

**MOTION: (Commissioner Withers) "Mr. Chairman, on Item #112-94, I move that we forward this on to the City Council with the recommendation of approval to zone the Holland Enclave light commercial C-1.**

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

**MEETING ADJOURNED at 1:31 a.m., September 7, 1994.**