

GRAND JUNCTION PLANNING COMMISSION
Public Hearing--October 4, 1994
7:05 p.m. - 12:43 a.m.

I. CALL TO ORDER

The public hearing was called to order by Chairman John Elmer at 7:05 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were: John Elmer (Chairman), Steve Laiche, Ron Halsey, Bob Withers, Thomas Volkmann, Tom Whitaker, and Jeff Vogel.

In attendance, representing the City's Community Development Department, were: Kristen Ashbeck, Kathy Portner, Michael Drollinger, and Tom Dixon.

Also present were Assistant City Attorney, John Shaver, Development Engineer Jody Kliska, Community Development Director, Larry Timm, and Police Officer Dave Stassen.

Terri Troutner was present to record the minutes.

There were approximately 120 interested citizens present during the course of the hearing.

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II. APPROVAL OF MINUTES

MOTION: (COMMISSIONER VOLKMANN) "MR. CHAIRMAN, I MOVE WE ADOPT THE MINUTES OF THE MEETING FROM SEPTEMBER 6, 1994, AS PREPARED."

Commissioner Laiche seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS

Chairman Elmer explained that due to the length of the agenda, only those items appearing in Section IV of this evening's agenda would be heard tonight. The remaining items would be heard on October 11, 1994, at 7:00 p.m. He added that item #85-93(2) had been pulled from tonight's agenda. Due to the number of interested citizens present, Chairman Elmer explained the hearing process and requested orderly decorum from the audience.

IV. FULL HEARING

1. **#126-94 APPEAL OF ADMINISTRATIVE DECISION GRANTING SPECIAL USE PERMIT**
Appeal of an administrative decision to grant a Special Use Permit for operation of an office/group residence in a B-3 (Retail Business) Zone District.

PETITIONER: The Resource Center
REPRESENTATIVE: Janet Cameron
LOCATION: 1003 Main Street
CITY STAFF: Kristen Ashbeck

STAFF PRESENTATION

Kristen Ashbeck presented an overview of the item, saying that it had been previously reviewed and a special use permit had been approved by staff, contingent upon: 1) payment of the Plant Investment Fee; 2) redesign of the parking area to eliminate stacked parking; and 3) execution of the Power of Attorney for alley improvements. She stated the staff approval had been appealed to the Planning Commission and that the appeal was based upon resident concerns over the intensity of use, amount of required parking, the question of safety, and the potential effect on property values. Kristen elaborated that with regard to parking, staff calculated 3 parking spaces were necessary based on the residential portion of the facility per the Code's boarding house regulations and the Resource Center's assertion that only 40% of residents would have vehicles; for the 2,200 sq. feet of office space, another 7 parking spaces are required at 1 space per 300 square feet, for a total of 10 spaces.

Kristin introduced Officer Dave Stassen from the Grand Junction Police Department to address safety issues. Officer Stassen said that on September 20, 1994, he had performed a site security review for the proposed site. He found that the location was excellent for the proposed use with regard to police accessibility; the landscaping is non-conducive to unwelcome persons looking for places to hide; the proposed parking area would also seem to discourage the criminal element. He added that because there would be someone at the facility 24 hours a day, "abnormal users" would be more easily seen and/or identified. Finally, he stated that he researched calls for service in the area surrounding the present site and found that only two calls could be directly attributed to the site and neither call resulted in an arrest or involved serious criminal activity. Comparing calls in the years 1988 to 1989 (when the Resource Center opened), there was no difference in the number of police calls received and none could be directly attributed to Resource Center activities. In summary, he felt that the proposed location would provide a safe environment for its residents and not pose a threat to the surrounding neighborhood.

Kristen added that a letter of support had been received from the Grand Junction Housing Authority, requesting that Planning Commission uphold staff's decision for approval.

QUESTIONS

Commissioner Laiche asked if, by "current site," Officer Stassen meant where the safe house is located presently? Officer Stassen answered affirmatively. Commissioner Laiche asked how far from the Police Department the proposed site is located. Officer Stassen responded four blocks.

PETITIONER'S PRESENTATION

Janet Cameron (3839 G 2/10 Road, Grand Junction), representing the petitioner, began by stating that the Resource Center had received another 15 letters of support since the commissioners had received their packets, with three of those letters from adjacent neighbors of the current site (these were submitted to the Planning Commission). She elaborated on the problems of domestic violence in the area and how increases in domestic violence have resulted in the overcrowding of the current facility. She noted that of the 21 recent residents, only two had vehicles. She said that during a recent assessment of possible expansion of the current facility, the center's architect said that such an endeavor would be cost prohibitive and not practical, given the surrounding area and property values. She added that the proposed location would be ideal because of its proximity to shopping, day care, legal services, etc. She said that the proposed location would be handicap accessible whereas there were no such accommodations available at the current site. Ms. Cameron pointed out that five group homes existed within three blocks of the proposed site. She invited three others to speak on behalf of the project.

Roy Carson (610 Chipeta, Grand Junction), a neighbor located adjacent to the current site, felt that the Resource Center had been excellent neighbors, and had gone to great lengths to improve the property and keep it looking nice and, thus, its being there didn't hurt property values. He still feels safe and that the Center's current location did not create any adverse parking problems.

Elvira Finn (453 Sandia Drive, Grand Junction), said that in the 3-1/2 years she had been involved with the Resource Center as a foster grandparent, she had never seen anyone of a suspicious nature near the current site.

Linda Spencer (2713 Sierra Vista, Grand Junction), stated she had participated on allocation panels for the United Way where budgets, programs, management, etc. for the Resource Center were reviewed. She expressed her support for the continued efforts of the Resource Center and for the proposed site.

QUESTIONS

Commissioner Laiche asked about the daily itinerary of the current facility.

Ms. Cameron replied that, typically, residents stay for the first couple of days but are then quickly urged to participate in a plan designed to aid in self-sufficiency. This might include daily therapy, legal assistance, job training, school for the children, etc.

Commissioner Laiche inquired into the average stay for a typical resident, to which Ms. Cameron responded that an average stay was 20 days, but added that there was a 7 year waiting list for low income housing.

Commissioner Volkmann wanted to know why, considering the nature of the

facility, there wasn't a problem with on-site violence.

Ms. Cameron said that domestic violence is, by nature, a private occurrence and is seldom made public. The perpetrator typically does not want to be caught and, they, in fact, often themselves feel victimized.

Commissioner Volkmann asked about the parking situation. Would there be four full-time staff members present at all times?

Ms. Cameron said that not all staff would be there for a typical 8-hour day. Shifts were the norm and included weekends; the average number of staff there at any one time would be four.

PUBLIC COMMENTS

IN FAVOR:

Dan Wilkie (825 E. Ottley, Fruita), Fruita Mayor, read from the resolution adopted September 28, 1994, by the Fruita City Council which supported the domestic violence project (copies of resolution were given to Planning Commission).

Lynn Howard (925 N. 8th Street, Grand Junction) spoke in favor of the proposed site's handicap accessibility. Since the current facility did not have such accommodations, she felt the new site superior in this regard.

Jody Kole (566 Pearwood Ct., Grand Junction), Executive Director of the Grand Junction Housing Authority and manager of Ratekin Towers, spoke in favor of the proposed site, saying that the Housing Authority felt the use was compatible with the surrounding area and that it posed no threat to resident or neighbor safety.

Steve Thompson (336 Main Street, Grand Junction) with Kissner-Wilson, conducted an inspection of the current building and felt that the cost to expand and remodel would be prohibitive as well as be an unwise investment. Also, he felt that any such renovations would only serve as a temporary "fix." After inspecting the proposed site, he felt that the Resource Center's needs would be better served at the new location.

Ann Duckett (2153 Buffalo Drive, Grand Junction), Deputy District Attorney, said that she coordinates and supervises the domestic violence program in her office. She addressed the safety issue by saying that in the last three years only one prosecution resulted from the current site and that particular case did not involve an act of violence. She felt that the shelter did not serve to attract violence and violent offenders.

AGAINST:

Jim Golden (207 Country Club Park, Grand Junction), owner of the property at 1006 Main Street across from the site, spoke in opposition of the proposed site. His main concern was possible devaluation of his property across the street. He passed out copies of an MLS listing and

excerpt from the Zoning Code which he felt pointed out the Commission's responsibility to preserving property values. Mr. Golden also expressed concerns over the possibility that his tenant may not want to stay, not being able to continue charging the current rental rate he was presently receiving, safety for his tenant and a concern over the Resource Center's moving to such a "high profile" building where abusers could more easily find their victims.

QUESTIONS

Commissioner Laiche asked if an apartment complex (which would be an accepted use for this area) were to move in across the street, would he be objecting so strongly. Mr. Golden replied that an apartment complex would be more acceptable because he felt the latter to be a "safer" use.

Commissioner Laiche questioned that if the safety issues were addressed, would that be more acceptable. Mr. Golden responded that he didn't see how those issues could ever be resolved, given the nature of the Resource Center.

Commissioner Laiche asked if Mr. Golden felt his tenant was at risk. Mr. Golden said that he had some concerns but didn't know for sure if his tenant was at risk.

Commissioner Volkmann queried whether the concern over devaluation of his property was of primary importance, with the safety issue following. Mr. Golden said that all of his concerns were of equal importance; he was looking at the "whole picture." Mr. Golden added that the question of parking was still a problem as well.

Commissioner Laiche asked if Mr. Golden had spoken with Resource Center management to try and mitigate his concerns. Mr. Golden replied that realtors he'd spoken to suggested that there would be a strong possibility of property devaluation in the area if the Resource Center moved in. He had not met with the Resource Center staff to discuss any of his concerns.

Cynthia Hand-Treece (850 19 Road, Grand Junction) owns a business at 1037 Main Street. Her concern was primarily over the parking required for the Special Use Permit. Having a degree in interior design and specializing in space planning, she felt that, after having reviewed the Resource Center's design plan, the footages didn't seem to add up. Upon further investigation, she felt she discovered a space discrepancy which would affect the parking space requirement. She pointed out that the first level, which would be used for offices, showed approximately 2,000 sq. ft. on the architectural plan but 2,050 sq. ft. on the MLS data sheet. The basement level showed approximately 1,500 sq. ft. on the architectural plan but 1,750 sq. ft. on the MLS data sheet. The second and third levels, to be used for the residents, contained approximately 3,500 sq. ft. and would fall under boarding house criteria for parking.

Depending on which figures were used, there could be a discrepancy of up to 300 sq. ft. The counseling clinic, she said, required more parking spaces by virtue of its being classified under medical/dental in the Zoning Code as asserted on three separate occasions by Community Development staff. She added that instead of the 2,200 sq. ft. of

office space used to determine parking, a total of 3,500 sq. ft. should have been used (first level and basement).

Ms. Hand-Treece continued, saying that with regard to the residence portion of the building, if the Center could house 30 people and if half of those were adults, and 60% of those half had vehicles, then that would be 9 spaces in addition to the clinical use parking space requirements. She felt that the 10 space requirement designated in the Special Use Permit was not adequate and would only exacerbate an already existing parking problem along Main Street. Also, Ms. Hand-Treece said that in talking with neighbors, they almost unanimously agreed that such a high profile building used to shelter abused women and children did not seem to be a wise decision.

Commissioner Withers wondered where Ms. Hand-Treece got her figures as to the parking ratio for clinics/boarding houses, to which she replied that they came from the Community Development Department. She added that a counseling service had a higher parking requirement than the requirement for general office use.

Commissioner Laiche asked if whether the counseling rooms would be used by persons living there. Ms. Hand-Treece replied that she understood they were to be used for the counselors.

Commissioner Withers said that he didn't think the rooms would be occupied at all times.

Ms. Hand-Treece didn't know if they would be occupied at all times; her concern was that, from a space planning aspect, the rooms were large enough that they could be used full time if the Center chose to do so. The parking ratio, she felt, did not take this option for full time use of this space into consideration.

Commissioner Withers wondered if Ms. Hand-Treece knew the ratio for full time counselors to parking spaces required.

Ms. Hand-Treece responded by saying that the Code specified four parking spaces per counselor in a counseling service during the busiest shift. She added that four spaces multiplied by an expected seven counselors there at the Center would equal 28 required parking spaces for just the counselors; whereas Community Development staff had required only 10 spaces for the entire facility. She felt this to be a serious disparity and not realistic.

Donald McBee (773 25 3/4 Road, Grand Junction) has an office at 1021 Main, directly to the east of the proposed facility. As lawyer and representative for the appellants, he presented the Planning Commission with a petition containing 50 signatures from residents living within approximately 150 yards of the proposed site opposing the Center's relocation to the Latimer House. He also felt that there was a drastic discrepancy in parking. He couldn't understand why such an allowance would be made for the Resource Center but the same allowance not given to other businesses in the area. He suggested the Center buy another lot which could be used strictly for parking.

PETITIONER'S REBUTTAL

Ms. Cameron reiterated that 44 letters of support had been received prior to this evening, and another 15 had just been presented. Five of those letters came from neighbors adjacent to the current site. She said that Resource Center staff had tried to meet with adjacent neighbors and three of the four chose to meet with them. She felt that there were no parking problems associated with the current site; thus, there should be no problems at the proposed site. If problems did arise, she continued, staff would work through them at that time. She elaborated that the Center used a lot of part-time people and one counselor could typically use up to three different offices for various aspects of counseling, that not all offices would be occupied at the same time nor for the same amount of time. Future plans include housing up to 28 residents. With regard to the basement area, the Center planned to use this area primarily for storage, since large donations of food and clothing are made each year.

Ms. Cameron added that, for five years, the Latimer House was home to a criminal law practice owned by Mitch Burnbaum. During that time, she felt there was more traffic in criminals and accused criminals than could ever be associated with a domestic violence shelter. She wondered why the former use was seen as more acceptable, since, to her, it pointed to more sympathy being given the perpetrator than to the victim. With regard to land values, she said that Mr. Golden's tenant had called the Resource Center's board in August expressing support for the relocation.

In response to concerns expressed about the high profile status of the new location, Ms. Cameron said that the new location would be more conveniently located for the residents and she felt that there would be a certain amount of "refuge" associated with the increased visibility of the shelter. She asked Michelle Chittenden to speak on behalf of the Center.

QUESTIONS

Commissioner Laiche asked Ms. Chittenden if most of the Center's residents were involved with the criminal justice system.

Ms. Chittenden (393 1/2 North Dale Court, Grand Junction) said that she had been involved with the domestic violence program since 1986. She presented a letter from Con Pyle which she felt further supported the assertion that abusers typically sought a low profile. She also added that, according to a letter just received from the executive director of the national coalition on domestic violence, of the 44 Colorado safe house programs, no incidents of violent crime have ever been reported at any of the shelters, whether the shelter's location was known or not. She said that 36% of shelter locations were known, and she did not feel that services were ever refused by any of the victims because the location of the shelter was known. With regard to real estate values, 64% of the Colorado shelters surveyed reported no change in valuation, while 14% reported an increase in valuation.

In response to Commissioner Laiche's question regarding those involved

in the criminal justice system, Ms. Chittenden felt that more women were involved with the justice system because more women were prosecuting, which hadn't always been the case.

Commissioner Laiche asked if the residents were met at the sheriff's department, would the criminal system be automatically involved?

Ms. Chittenden said that safety was addressed all along the way, but that the criminal justice system would not always be involved. Her figures were that 60% were involved with the justice system because there was more victim cooperation.

Commissioner Laiche wanted to know what steps were taken to monitor the person charged with the crime. He asked Anne Duckett to respond to this question.

Ms. Duckett said that prior to July 1994 domestic violence was seen more as a civil matter; however, with new laws passed in July, domestic violence was seen more as a criminal act and, thus, more prosecutions were being made as a result. With regard to Commissioner Laiche's question, she said that the goal was to try and change the inappropriate behavior, to get the abuser into counseling programs. If the abuser agreed to do this, sentencing would often be deferred. Also there would be careful and close monitoring of both abuser and victim, to include daily or monthly check-ins. If a charged abuser "bonded-out" and was seen at a safe house, it would be considered a violation of bond stipulations and be grounds for bond revocation. The perpetrator may then end up going (or returning) to jail.

John Shaver, Asst. City Attorney, clarified several points from the Zoning Code with regard to Planning Commission responsibilities and also said that with regard to parking, the Code stated in Section 5-5-1B that if parking requirements were not specific, staff had the discretion to require what was necessary for the use. With regard to the latter, Mr. Shaver felt that Community Development staff acted appropriately.

Commissioner Volkmann questioned staff about the variance in parking spaces required versus what was approved. Is there a lot of variance between the two figures?

Kristen responded that staff regarded the counseling service not as medical/dental as Ms. Hand-Treece had suggested, but as professionals such as lawyers; thus, the professional office standard applied. The parking requirement was based on the 2,200 sq. ft. office space allocation; she felt that the issue was in the spaces required for the residential portion of the Center. She indicated that the parking allocation was based on the original plan which came before Community Development; since then, a more detailed plan and description had been formulated and discussed which could change the original parking allocation. Kristen said that administrative re-review was possible if such a condition was placed in the motion upholding denial of the appeal.

Chairman Elmer added that if no conditions were imposed, as long as the Center stayed within the proposed use as group residence, no additional

review would be required.

Kristen agreed with this statement, but added that if a significant deviation occurred in the Center's use or if the Center applied for a building permit to revise the plan from that originally approved, it would trigger a re-review by city staff.

Ms. Cameron pointed out that the total square footage was 3,100 sq. ft.; of which, 1,100 sq. ft. was allocated for storage and 2,000 sq. ft. was living space.

Bryan Sims (917 Main Street, Grand Junction), architect for the project, said that when he applies for a building permit, if there are any changes in use, he would be required to discuss those with Community Development staff. If additional parking is required, he knew that he would have to comply to be able to obtain a building permit. More parking could be provided, but he noted that its location would be at the expense of green space and existing trees. He added that parking would always be a problem in transition zones.

Commissioner Elmer asked if all available green space would be used as playground area. There was discussion between commissioners and the petitioner about possible options for parking and play area space. The petitioner also expressed the desire to maintain the historic and residential look of the building.

At Commissioner Volkmann's direction, Ms. Hand-Treece was allowed to add the following:

She stated that Mr. Harris' child care facility (also located in the area) had been required to provide more parking and he solved this problem by buying an additional lot to accommodate his parking requirement. She didn't think the Center's current plan was in the Community Development file, nor had it been made available to the public (she had to get a copy from the architect). In presenting this new plan to the Commission, she felt there was a real discrepancy in gross square footage; she didn't understand why so much variance could be given to one but not to all.

Commissioner Vogel asked if this fell within the Downtown Development Authority jurisdiction, to which Kristen replied that it did not.

General discussion ensued among commissioners regarding the former discussions and issues raised.

MOTION: (COMMISSIONER LAICHE) "MR. CHAIRMAN, ON ITEM #126-94, I MOVE THAT WE DENY THE APPEAL OF THE SPECIAL USE PERMIT FOR THE RESOURCE CENTER AT 1003 MAIN STREET."

Commissioner Withers seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

There was a short recess at 9:20 p.m. at which time Commissioner Halsey

excused himself. The meeting reconvened at 9:35 p.m.

#134-94 PRELIMINARY PLAN - MONUMENT HEIGHTS TOWNHOMES

Request for approval of a Preliminary Plan for Monument Heights Townhomes, consisting of 10 townhome units on approximately .63 acres with a zoning of RMF-32 (Residential Multi-Family, 32 units per acre) and an effective density of 15.9 units per acre.

PETITIONER: Boyd L. Wheeler
LOCATION: Franklin & Kennedy Avenues, west of Juniper Street
REPRESENTATIVE: Darryl Hayden
CITY STAFF: Kristen Ashbeck

STAFF PRESENTATION

Kristen briefly outlined the plan, saying that just the northern parcel was being considered at this time, rather than both parcels as originally proposed. She felt that all zoning requirements had been met, the use was consistent with surrounding uses, there was ample open space, and curb/gutter improvements would be made along Kennedy. She did add that staff would like to see the parking aisle narrowed to provide additional open space and lessen the visual impact.

PETITIONER PRESENTATION

David Chase (Banner Associates, 2777 Crossroads Boulevard, Grand Junction), representing the petitioner, said that, originally, 12 units had been proposed on three parcels and that number had been reduced to 10. Although there was no objection to narrowing the parking aisles, he felt the additional aisle width would help alleviate possible parking lot congestion.

QUESTIONS

Chairman Elmer asked if there was any justification for putting in a traffic light at Kennedy and First Street.

Jody Kliska said that there was not enough traffic to warrant a light.

PUBLIC COMMENT

There were no comments either for or against the proposal, although a question was posed by Jim Jackson (335 W. Kennedy, Grand Junction) on why the petitioner chose to downsize the project. The petitioner replied that this was in response to the Code's parking requirement.

There was general discussion among the commissioners concerning the reduction of parking aisle width.

MOTION: (COMMISSIONER WITHERS) "MR. CHAIRMAN, ON ITEM #134-94, I MOVE THAT WE APPROVE THE PRELIMINARY PLAN FOR A MAJOR SUBDIVISION OF THE MONUMENT HEIGHTS TOWNHOMES WITH THE 35' (PARKING AISLE WIDTH) SHOWN ON THE PLANS DATED 9/26/94."

Commissioner Whitaker seconded the motion.

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

#144-94 FOURSQUARE MINOR SUBDIVISION

Request for approval of a Minor Subdivision for a parcel of land consisting of approximately 9.52 acres into three lots of 7.48 acres (existing church) and 1.04 acres (residential building lot) and 1.00 acres (residential building lot) in an RSF-1 (Residential Single Family not to exceed 1 unit per acre) Zone District.

PETITIONER: International Church of Foursquare Gospel
LOCATION: 641 Horizon Drive
REPRESENTATIVE: William Roy, Century Surveying
CITY STAFF: Michael Drollinger

STAFF PRESENTATION

Michael Drollinger referred to the site plan and outlined the petitioner's plans for a minor subdivision. Both residential lots complied with RSF-1 zoning requirements. Staff recommended approval contingent upon conditions #1-6 as submitted in the staff report. Michael stated that he received comments from Ken Jacobsen of the Army Corps of Engineers who expressed a concern over some of the unconsolidated fill dirt which exists on the property and other concerns which he would like to have addressed. A written list of those concerns had not yet been received from the Corps. Michael requested one of two options regarding condition #6 (i.e., Corps of Engineers review approval): 1) if the petitioner accepts conditions, including #6, that the petitioner will be subject to any comments or restrictions the Corps might impose, or 2) that the item be tabled for a month to allow further discussions with the Corps. In summary, staff recommended approval subject to the conditions as set forth in the staff report.

QUESTIONS

Commissioner Withers wondered why the Corps would be involved, to which Michael replied that the Corps was involved because the property lies within a floodplain and there were also wetlands located in the general area which are under their jurisdiction. In addition, there was also a drainageway located to the rear of the proposed lots which also fell into Corps jurisdiction.

Chairman Elmer questioned the need for an engineered foundation because of all the fill dirt located on the property and asked City Engineering if there was sufficient erosion protection, or if that particular question had been addressed.

Jody Kliska replied that erosion protection had not been addressed, that City Engineering was more concerned with filling the lot to equal the elevation of the road.

PETITIONER'S PRESENTATION

Mark Harris (580 - 31 Road, Grand Junction), the pastor of the church, said that the request for subdivision was being made so that the church could sell the land to Ron and LeeAnn Unfred, potential buyers. At this time, Mr. and Mrs. Unfred addressed the Commission.

Ron and LeeAnn Unfred (614 - 30 Road, Grand Junction), said that the fill dirt on the property had been there since the early 1960's. It was very compacted and Grand Valley Irrigation had had a 25 ton track-hoe in there with no problems. The easement, he continued, was cut by Grand Valley Irrigation, to maintain flood control and guarantee that there would be no flood in the area. The culvert going across the property westward to Horizon Drive is 5'x7' and has proven to be effective in flood control mitigation. Mr. Unfred could not understand why the Corps would be involved, since the (culvert) area was not a natural waterway but rather a ditch and is maintained by Grand Valley Irrigation.

QUESTIONS

Chairman Elmer asked if Mr. Unfred planned to develop this into a residence, to which Mr. Unfred replied affirmatively.

Chairman Elmer asked where the utilities would be located. Mr. Unfred responded that utilities would be located on the Westwood side and in the Horizon Drive road right-of-way on the west end of the property.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

William Roy of Century Surveying (336 Main Street, Grand Junction) presented the Commission with new plats and a general discussion ensued over utility easements, sewer line location, etc.

Both Commissioner Laiche and Commissioner Volkmann questioned why the Corps would be involved.

Michael said that the Corps claimed jurisdiction over what they termed a "drainage way." Upstream, they had been involved with other projects.

John Shaver cited regulations which gave the Corps jurisdiction over water ways and drainage ways, so he felt the Corps had a legal right to be involved.

Chairman Elmer queried whether a drainage study was needed.

Michael replied that there was an adequate building envelope available. The majority of the building area was located outside the floodplain.

Chairman Elmer still questioned whether the fill adequately provided for erosion mitigation. He proposed a drainage study or other study which showed that there was no erosion problem possible.

Michael added that, in recent discussions with the Corps, they'd

indicated their intent to review slope stabilization and the possible need for rip rap. Again, these comments would be made, in writing, and should be forthcoming from the Corps.

Commissioner Vogel felt that condition #6 was too open-ended, but Chairman Elmer reiterated that if the Corps has jurisdiction, their federal requirements would supersede any local stipulations.

John Shaver stated that the Commission could opt to table the hearing, allowing additional discussions with the Corps and the petitioner or approve the plan at the City level subject to the Corps approval.

Additional discussion ensued over whether the Corps approval should be a part of the motion.

MOTION: (COMMISSIONER LAICHE) "MR. CHAIRMAN, ON ITEM #144-94, I MOVE THAT WE APPROVE THE MINOR SUBDIVISION WITH THE CONDITIONS OF THE STAFF (1. THAT THE 30' REAR YARD SETBACK BE IDENTIFIED ON THE PLAT; 2. PRIOR TO APPROVAL AND RECORDING OF THE PLAT, THE PETITIONER IDENTIFY THE 100-YEAR FLOODPLAIN ON THE PLAT; 3. PRIOR TO ISSUANCE OF THE BUILDING PERMIT, THE PETITIONER SUPPLY A SUBSURFACE SOILS REPORT WHICH IS ACCEPTABLE TO THE CITY ENGINEER; 4. A DRIVEWAY TURNAROUND AREA BE PROVIDED FOR EACH BUILDING LOT TO PRECLUDE THE NEED FOR VEHICLES TO BACK ONTO HORIZON DRIVE; 5. A 10' PEDESTRIAN AND BICYCLE TRAIL EASEMENT BE PROVIDED ON THE NORTH SIDE OF HORIZON DRIVE TO PROVIDE FOR FUTURE TRAIL CONSTRUCTION; AND 6. REVIEW AND APPROVAL BY THE ARMY CORPS OF ENGINEERS."

Commissioner Withers seconded the motion.

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

#145-94 CONDITIONAL USE PERMIT - EXPANSION OF ASPHALT TANKS

Request for approval of a Conditional Use Permit allowing expansion/addition of asphalt tanks in an I-2 (Heavy Industrial) Zone District.

PETITIONER: Koch Materials Company
LOCATION: 202 4th Avenue
REPRESENTATIVE: Gayle Lyman, Western Engineers
CITY STAFF: Kathy Portner

STAFF PRESENTATION

Kathy Portner presented a brief overview of the project, saying that storage tanks had been located on the property since the early 1960's, based on aerial photos. Impacts of adding the proposed storage tanks would be negligible. An original request for painting the tanks an earthtone color was waived since costs were prohibitive (approximately \$21,000 per tank). Staff requested converting the present chain link fence to a screen fence. Currently, no landscaping existed and upon approval of the plan, landscaping will be added, but staff requested the option of increasing the number of coniferous trees to ten, if practicable, to be located either inside or outside the fence, whichever

is more feasible. Further, the tanks should be located as close to the railroad tracks as possible. Kathy also indicated that this area fell within the South Downtown/El Poso planning area currently being reviewed by a city steering committee, but that no plan has yet been adopted. She said that although this was not a new use for the area, the city could still impose certain criteria to make the area more compatible with planning area guidelines. She requested approval of the request with the following conditions: 1) that all Fire Department requirements are met prior to issuance of the permit for construction of the new tanks, 2) that the existing chain link fence be converted to a screen fence, and 3) that up to ten coniferous trees be planted along the street frontage outside the screen fence, but leaving staff the latitude to decrease that number and/or have the trees located inside the fence if it's found not to be feasible to locate them on the outside of the fence.

QUESTIONS

Commissioner Withers asked when staff might have a recommendation on the number of trees, to which Kathy replied that she would be meeting with forestry officials in the next week and meet with the petitioner on the site. Commissioner Withers suggested setting a date so that the petitioner wouldn't have to wait an inordinately long period of time. Kathy responded that would be fine.

PETITIONER'S PRESENTATION

Gayle Lyman (583 Sycamore, Grand Junction), representing the petitioner, gave an overview of the business at the location. He felt that the cost for converting the chain link fence to a screen fence was cost prohibitive (approximately 800 ft. of fence would run about \$4,500) and asked that this requirement be waived. With regard to the ten trees, he had a concern over visibility which was the concern expressed by several truck drivers. He asked for allowances which would take this visibility factor into account. He also wondered if the root system of trees placed so close to the roadway would damage the roadway. His preference was staying with the six trees originally proposed.

PUBLIC COMMENT

There were no comments either for or against the proposal, but a question was posed by Mr. Edward Roskowski (414 W. Mayfield, Grand Junction) who asked the petitioner what was to be done with badly damaged tanks currently located in the proposed new tank site. The petitioner responded that the old tanks would be removed.

DISCUSSION

Commissioner Laiche asked staff if the screen fence issue was considered a critical one.

Kathy responded that the screen fence would not do a lot to screen the tanks, but it would offer some visual break in looking over to the site from the roadway.

Commissioner Laiche asked if the trees would provide a buffer, to which Kathy replied that, again, it would be a visual improvement but that it would not serve to completely screen the tanks.

Chairman Elmer said that the Commission could give them the latitude to use shrubbery and other greenery as an alternative to requiring all the trees requested.

Commissioner Withers questioned the practicality of using trellising vegetation as a natural screen in lieu of manufactured screening.

Kathy replied that this is often acceptable but that it would not provide for adequate screening in the winter.

Commissioner Whitaker asked if there were any air emissions concerns.

Mr. Lyman responded that they would have to apply to the Colorado Dept. of Health, that the Health Dept. would monitor emissions after the two tanks were installed. After that, the Health Dept. would determine if an air discharge permit was required.

MOTION: (COMMISSIONER VOLKMANN) "MR. CHAIRMAN, ON ITEM #145-94, A REQUEST FOR A CONDITIONAL USE PERMIT FOR KOCH MATERIALS, I MOVE THAT WE APPROVE THIS REQUEST SUBJECT TO THE STAFF'S RECOMMENDATIONS (1. THAT ALL FIRE DEPARTMENT REQUIREMENTS BE MET PRIOR TO ISSUANCE OF A PERMIT FOR CONSTRUCTION OF THE NEW TANKS; 2. THAT THE EXISTING CHAIN LINK FENCE BE CONVERTED INTO A SCREEN FENCE; AND 3. TO INCLUDE A REQUIREMENT FOR TEN CONIFEROUS TREES TO BE PLANTED ALONG THE STREET FRONTAGE, OUTSIDE THE SCREEN FENCE) AND TO ALLOW STAFF THE LATITUDE TO DECREASE THE NUMBER OF TREES AND DECIDE THEIR LOCATION."

Commissioner Laiche seconded the motion and subsequent amendment on location of trees.

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

#146-94 PRELIMINARY PLAN - WILLOW RIDGE SUBDIVISION

Request for approval of a Preliminary Plan for 19 single family residential lots on a 4.6 acre parcel of land resulting in an overall density of approximately 4.13 units per acre.

**PETITIONER: Oliver Frasca
LOCATION: Highway 340 and the Redlands Canal
REPRESENTATIVE: Craig Roberts, Ciavonne & Associates
CITY STAFF: Tom Dixon**

STAFF PRESENTATION

Tom Dixon gave a brief history of the plan for subdivision, saying that it had been originally reviewed by the County but that the original (1977) plan for 22 townhomes in 11 separate structures was never realized and the property was never platted. In 1988 the original plan was nullified. He noted that steep slopes existed on the property to the north and a steep drainage canal existed on the northwestern portion of the property. Approximately 25% of the property is considered unbuildable due to the steepness of the slopes.

Tom felt that, in addition to the plan's non-conformance to Zoning Code requirements, a number of other problems still existed with the proposed plan. A summary of these problems include: 1) access plans from the proposed subdivision to Hwy 340 was not felt to be adequate, as proposed; 2) the creation of 19 homes on 19 lots was considered too dense for this area and would put severe strain on roads, driveways, landscaping, utilities, etc. (staff suggested not more than 10-12); 3) non-compliance with city street standard frontages for lots containing less than the required 20 ft. frontages; 4) the zero side yard setback is considered unacceptable by staff due to problems of maintenance, privacy, property line disputes, etc.; 5) inappropriate development for a PR-4 zone (staff feels an RSF-4 zone would be more appropriate); 6) the petitioner was proposing a substandard cul-de-sac plan which did not meet city standards and would not be conducive to trash truck or other vehicular maneuvering; 7) the severe north and northeast slopes limit the carrying capacity of the site and pose safety concerns; 8) adequate drainage does not seem to be addressed; 9) questions arising from Redlands Water and Power's claim of a 100-ft. deeded right-of-way from the centerline of the canal and the company's setback requirement of 150 feet from the edge of the bluff line; and 10) the three designated open space areas do not appear to function in any coordinated manner.

Tom requested the Commission deny the proposal and suggested that the petitioner resubmit the plan using a desired density with a townhouse layout (19 lots) or reduce the density for single family dwellings to 10-12 units, as well as submit a request for a rezone to RSF-4.

QUESTIONS

Commissioner Volkmann asked if an RSF-4 zone would allow for 18 units, to which Tom replied that the density would be the same but clear standards would exist to address setbacks, lot standards, etc.

Chairman Elmer asked if staff was asking for a zone of annexation, to

which Tom responded that no zone of annexation was currently being asked for. However, the Commission could address this request, giving staff direction for future rezoning of the property when it comes into the city.

Chairman Elmer asked Jody about the Colorado Dept. of Transportation's (CDOT) failure to require a right-hand turn lane into the subdivision. Ms. Kliska replied that CDOT requires about 50% right-hand turn lanes and 50% left-hand turn lanes but she felt that the number of right-hand turn lanes was significantly higher. She added that she thought it would be required to be in compliance with the State Highway Access Code.

Commissioner Volkmann asked about the Redlands Water and Power's 100-foot from centerline easement. He wondered if that meant that someone from the city had checked the real estate records and found out that such a recorded easement currently existed.

Tom replied that it was not recorded on any type of parcel map; he added that the research for this had not yet been done.

PETITIONER'S PRESENTATION

Craig Roberts (844 Grand Avenue, Grand Junction), representing the petitioner, said that CDOT did not require a deceleration lane. He could not understand the magnitude of concern expressed by Redlands Water and Power over expected drainage of water from the subdivision into its canal, but felt that the petitioner had a statutory right to deliver the historic flow into the adjacent property. He agreed to discuss the question with Redlands Water and Power. Craig added that consolidated driveways and the cul-de-sac would be similar to that which had been approved for Alpine Village subdivision. He agreed to modify the highway access permit to accommodate the 19 units proposed and satisfy the concerns of staff, and added that he'd thought reducing the density several units from the original 1977 proposal would have been seen as positive. He thought that drainage mitigation for this plan versus multi-family plans would be easier, and that the 20' minimum street standard could be accommodated.

Mr. Roberts felt that the zero side yard setback combined with a cooperative owner agreement would allow for more open area for both residents. Other comments included his not feeling that maintenance was an issue; that the PR zone was designed to allow flexibility, and he was requesting just that; that there was no set city requirement for what open space had to be; that he did not feel the slopes are excessive. Mr. Roberts showed slides to the Commission showing examples of 45' wide lots for single family residences (Vineyards), examples of 50' wide lots with 5' side yard setbacks (downtown area), the bluff/slope located on the property (already requesting 25' setback), et al.

Although he didn't feel the use was extreme, the developer admitted that he didn't like "the feel" of the plan either so he proposed another plan (copies of a newly proposed plan were circulated to commissioners at the hearing). Mr. Roberts outlined the changes contained within the plan and suggested the new plan be viewed as an alternative.

Tom Dixon stated to commissioners that staff had not seen nor had an opportunity to review the new plan.

A great deal of discussion ensued over the presentation of the new plan at the last minute. Concerns were raised that staff had not had a chance to review the plan; that the plan seemed to contain major changes which would affect staff recommendations; that the new plan, since only just submitted, did not allow for public review or comment; that it was inappropriate to present a new proposal at the hearing; and that a new design required a new application process.

Mr. Roberts said that the submission of a new plan at a public hearing did not set a precedent; that a similar situation, where staff presented an alternative plan to two other petitioners occurred at two previous Planning Commission hearings. He asserted that the petitioners were not made aware of changes proposed by staff. Because of this, he wondered where the dividing line was in what was acceptable and what was not in the presentation of alternative plans before the Commission. Staff pointed out that Mr. Roberts' assertion was incorrect. In both cases referred to by Mr. Roberts, petitioners were made aware of the suggested changes by staff the week before the Planning Commission meeting. (Discussion followed on this point, but, basically, the Commission felt that the petitioner should take up any complaints with staff.)

Tom reminded the commissioners that the property was not yet annexed into the City; that the county policies and city policies will both affect any development in this area.

PUBLIC COMMENT

FOR:

There were no comments for the proposal.

AGAINST:

Lloyd Mabrey (412 E. Mayfield, Grand Junction), representing 28 families in the adjacent subdivision, wanted clarification that discussions would center around the old plan, to which Chairman Elmer replied affirmatively, but reserved the option of referencing the new plan to the petitioner.

Mr. Mabrey said that it was not the residents' desire to thwart development in the area in question, but merely to ensure rational development. He and other residents felt that staff had pointed out many concerns and that issues of density, infrastructure (drainage, roads, sewer, cul-de-sac, etc.), access onto Hwy 340 (safety concern with regard to the number of accidents occurring in the area already, no deceleration lanes proposed which also conflict with the existing bike trail use), and overall visual appeal had not been satisfactorily addressed, resulting in a greatly diminished quality of life for existing and new residents. He suggested that staff's recommendation of 10-12 units for this property was more realistic, and likened the proposed plan as "nothing more than low income housing." Mr. Mabrey

reminded commissioners that this subdivision would be the first thing seen upon entering the Redlands. He felt that what he considered to be a poorly designed project would reflect badly upon the entire Redlands area. His concerns also extended to include the question of safety regarding the proximity of the canal. He requested the Commission deny the proposal.

Commissioner Laiche asked if whether all 28 residents opposed the plan, to which Mr. Mabrey responded affirmatively, as the plan was originally submitted.

Mr. Will Eiseman (2403 Broadway, Grand Junction) said that the proposal reminded him of a "cheap trailer park." The proposed housing did not conform to any of the surrounding homes. Also, he felt that the residents of this proposed subdivision would not be able to turn left onto Hwy 340 but would have to turn right, travel up the road, turn around somewhere and come back.

Larry Mason (420 E. Mayfield, Grand Junction) reiterated his concerns with the traffic problem and the lack of a proposed deceleration lane. He also felt that, being in the insurance business, the accident potential was of prime concern. With regard to the sewers, he felt that a gravity feed sewer system would not accommodate all the new residents.

Jim Nasalroad (416 E. Mayfield, Grand Junction) also felt that the question of sewer service and drainage for the proposed development had not been adequately addressed.

Gordon LeBaron (416 W. Mayfield, Grand Junction) said that having worked a number of years as a professional geologist, he recommended a groundwater and soil study be conducted.

Everett Reece (418 Mayfield, Grand Junction) spoke as a resident of the adjacent neighborhood and also as a representative of the Grand Junction Fire Department. His concern centered around the threat of increased accidents which would most likely occur in this area without sufficient access mitigation. And there would be even more accidents occurring in the winter months when the slope of Hwy 340 was slickest.

Mr. Mabrey read from a geologic report from Lincoln-Devore which stated that any and all excess water should be kept off "the lot." The report recommended xeriscaping, metered sprinkling, etc. for the area. He added his concerns over possible settling, based on the geologic report's findings. He recommended a soils study as well.

PETITIONER'S REBUTTAL

Mark Young, Rolland Engineering, civil engineer for the project and a representative for the petitioner, said that they complied with CDOT's permit application, that there was no way to make the slope leading up into the Redlands completely safe. He felt that some of the concerns could be addressed through signage. With regard to the sewer, it would be connected to the 201 system and routed along the east side of the bluff and connect in a common open space area, connecting down to the southeast corner of the property. The drainage concerns, he felt, were

valid. Each home, he continued, would be individually engineered to ensure foundation integrity.

He reminded the Commission that this was a preliminary plan; that highway improvements would be submitted to CDOT for its consideration; that access improvements will be implemented; and that a median crossing the currently divided highway would be incorporated.

DISCUSSION

Chairman Elmer asked if CDOT required an acceleration lane be provided as a condition of its permit approval, to which Mr. Young replied that it did. Chairman Elmer expressed some concern over CDOT not requiring a right hand turn lane.

Commissioner Volkmann added that while traffic hazards in this area could be minimized, they could not realistically be eliminated.

Tom Dixon added that, although the PR zoning allows some flexibility of plan, it should not be used to skirt the basic provisions and requirements of the code. It seemed that the petitioner was trying to get by with the least amount of design consideration; also, that open space needed to be usable (although he added that the new plan seemed to better address this latter concern).

Commissioner Volkmann stated that staff seemed very opposed to the zero lot line concept with regard to side yard setbacks.

Tom responded by saying that he had not seen the concept work well in other instances. He felt that setbacks provide for privacy, air space, it keeps the area from becoming too dense, and allows for better marketability of the homes being placed there. If approved, it should be tied to an attached and not single family unit. He also recommended a neighborhood meeting between the petitioner and the adjacent residents.

Chairman Elmer concurred with the latter and said that covenants would also address "quality" issues and would serve to enforce restrictions.

MOTION: (COMMISSIONER LAICHE) "MR. CHAIRMAN, ON ITEM #146-94, WILLOW-RIDGE SUBDIVISION, I MOVE THAT WE DENY THE PROPOSAL BASED UPON SETBACKS, THE NUMBER OF LOTS CURRENTLY PROPOSED, THE CONCERNS I HAVE WITH REGARD TO TRAFFIC, AND ESPECIALLY THE PROBLEMS REGARDING REDLANDS WATER AND POWER."

Commissioner Vogel seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0. (Commissioner Withers had excused himself earlier.)

Commissioner Laiche added that, in his experience with Redlands Water and Power, their concerns are not to be easily dismissed and further discussions with them should be held as soon as possible.

GENERAL PLANNING COMMISSION DISCUSSION

General discussion ensued between Commissioners and staff concerning upcoming Growth Plan Steering Committee meetings. Chairman Elmer consented to being the representative from the Planning Commission, with Commissioner Volkmann as "backup." Other discussion was had about issues raised by Mr. Roberts' comments.

The meeting was adjourned at 12:43 a.m.