

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - May 5, 1995**  
**7:03 p.m. to 9:50 p.m.**

**I. CALL TO ORDER**

The regularly scheduled Planning Commission hearing was called to order at 7:03 p.m. in the City/County Auditorium by Acting Chairman Tom Volkmann.

In attendance, representing the Planning Commission, were: Tom Volkmann (Acting Chairman), Jeff Vogel, Ron Halsey, Steve Laiche, and Tom Whitaker.

In attendance, representing Planning Department staff, were: Larry Timm (Director), Kathy Portner, Tom Dixon, and Michael Drollinger. Also present were John Shaver (Asst. City Attorney) and Jody Kliska (City Development Engineer). Terri Troutner was present to record the minutes.

There were approximately 18 interested citizens present during the course of the hearing.

**II. CONSIDERATION OF MINUTES**

**MOTION: (Commissioner Laiche) "Mr. Chairman, I move that we approve the minutes as submitted."**

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

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

There were no announcements, presentations and/or prescheduled visitors.

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

**#CUP-95-62 CONDITIONAL USE PERMIT--GOOD TIME DRIVE-THRU BURGERS**

**Petitioner: Mile High Properties**  
**Location: SE corner of 23rd Street and North Avenue**  
**Representative: Tom Logue, Land Design, Ltd.**

**Request for approval of a Conditional Use Permit for a drive-up restaurant facility in a C-1 (Light Commercial) zone located at the southeast corner of 23rd Street and North Avenue**

**STAFF PRESENTATION**

Michael Drollinger noted the location of the project on the map displayed and briefly outlined the proposal. Two driveways would be provided on the eastern end of the site, both to access parking and to access the two drive-thru lanes. A driveway to the south end of the site would also be provided. The petitioner agreed to make the driveway to the south a one-way (exit only) which

should result in fewer vehicular conflicts. Mr. Drollinger added that there existed a triangular portion of property at the corner of 23rd Street and North Avenue for which the City had an easement and whereon signal poles had already been placed. Staff felt that this should be dedicated by the petitioner as right-of-way. With all other issues/concerns resolved, staff recommended approval subject to:

The dedication of additional area at the corner of 23rd Street and North Avenue as requested by Public Works (15 feet on each site of the corner in the shape of a triangle) must be dedicated as right-of-way.

### **PETITIONER'S PRESENTATION**

Tom Logue, representing the petitioner, said that the right-of-way dedication would be granted as staff requested and that the petitioner had complied with all other requirements of the conditional use permit.

### **QUESTIONS**

Commissioner Halsey asked if the petitioner had made arrangements for additional parking since the available number of on-site parking spaces fell short of the actual number required. Mr. Logue replied that a copy of a written lease agreement between the petitioner and representatives of Teller Arms Shopping Center had been drafted and submitted to planning staff. The agreement would allow restaurant patrons and staff to utilize the Teller Arms parking lot on a continual basis.

### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

### **DISCUSSION**

Acting Chairman Volkmann questioned whether the City could require a dedication of a third party, namely the petitioner's representative. Mr. Shaver said that since such is agreed to, there should be no problem; however, he suggested that the owner provide the City with written acknowledgment of the dedication.

Commissioner Vogel asked if petroleum clean-up of the site had been completed, to which Mr. Logue replied affirmatively.

**MOTION: (Commissioner Vogel) "Mr. Chairman, on item CUP-95-62, I recommend that we approve this item subject to condition 1. as detailed in the staff report."**

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

### **#PP-95-64 PRELIMINARY PLAN--LOS ALTOS SUBDIVISION**

**Petitioner: Lee Garrett**

**Location: Lot 17, Block 13 of Ridges Filing 5**

**Representative: Lee Garrett**

**Request for approval of a Preliminary Plan for Los Alto Subdivision for 5 single family residential lots on a parcel of land consisting of 3.58 acres located on Katherine Drive in Ridges, Filing #5.**

**STAFF PRESENTATION**

Tom Dixon detailed the proposal as outlined in the staff review. The petitioner has requested waiver of the 44-foot City street width standard requirement for Katherine Court in favor of the street being retained as a private drive with a proposed 28-foot wide street width. Specific concerns include the steepness of grade, the lack of City standards allowing private streets, problems associated with trash collection and adequate access to properties by fire trucks. Current City standards for public streets require a cul-de-sac having at least a 40-foot radius.

Staff recommended denial because the proposal did not meet present City standards for streets and access; however, if approved, staff recommended the following stipulations:

1. The City currently has no adopted standards to allow private streets. Exceptions to these standards can only be granted by action of the City Council.
2. A utility easement vacation of the platted Tract "B" may be necessary if an alternative private street alignment is allowed. This can be accomplished at the time of final plan review.
3. City services such as trash/garbage collection could be a problem with a private street. The petitioner has stated that each residence in this subdivision will be developed with trash compactors. This will make the transfer of garbage to a common collection point near the end of Hill View Drive easier. An alternative presented by the petitioner would be to contract with a private hauler to collect garbage from each of the proposed residences. If this proposed replat is approved, an area at the base of the private road would have to be designated as a trash pick-up site and it would be required to be fenced and screened.

**QUESTIONS**

Acting Chairman Volkmann said that if a private trash hauler were contracted, a portion of property located at the base of the hill should be kept out of private ownership and permanently designated as a trash pickup site, to which Mr. Dixon concurred.

**PETITIONER'S PRESENTATION**

Mr. Garrett began his presentation by showing a slide of the subject property and briefly recalled its history. He noted the placement of each of the proposed homes and emphasized his retention of open space in the design. He reiterated his intention to provide homes with trash compactors and agreed to provide a common collection point if the City were to provide pick up service. Mr. Garrett said that it was necessary to deviate from the City's street standard width of 44 feet since a portion of the private drive would be located on a strip of property which is only 40 feet wide. The City, formerly the Ridges Metro District, owns adjacent lands. In addition, he felt that due to topographical constraints, a wider street would be aesthetically detrimental and any backsloping done would jeopardize planned building sites. The design included the formation of a Homeowners Association which would assume responsibility for maintenance of the private street. Irrigation

water would not be provided to homeowners since surveys and soil samples suggested that the area would not support other than desert landscaping.

### **PUBLIC COMMENTS**

**FOR:** Bill Boll (383 Hillview, Grand Junction) felt that the plan was a good one.

**AGAINST:** There were no comments against the proposal.

### **DISCUSSION**

Acting Chairman Volkmann asked if the City's Utilities Engineer was satisfied with the design provisions. Mr. Dixon replied that Bill Cheney hadn't received any specific plans from the petitioner but understood that the petitioner was seeking direction from the Commission on how to proceed. The petitioner had indicated that if the private drive could not be approved by City Council, he wouldn't continue with the project.

Commissioner Laiche asked if the Homeowners Association would be responsible for keeping the drive free of snow and ice in the winter. Mr. Dixon said that this problem should be minimized somewhat since the street would have a southern exposure.

Commissioner Laiche wondered if a mandatory use of trash compactors could be enforced, to which Mr. Dixon responded that it could be enforced if made a condition of the land use proposal. He added that while the petitioner had agreed to include this requirement in the covenants, covenants were not enforceable by the City.

There was additional discussion among the petitioner, staff, and Commissioners on possible options and ramifications of a private drive being allowed within the City limits. Commissioner Halsey felt that it would create an undesirable precedent. Mr. Shaver was consulted for a legal opinion. He outlined the potential risks involved, e.g., homeowners overlooking a plat notation detailing the restriction(s), enforcement, possible lawsuits which could arise from homeowners who would expect the same level of City services as other areas within City boundaries. Mr. Shaver also raised the question of whether current homeowners could waive the rights of future property owners.

Mr. Garrett agreed to record covenants which designated responsibility for the drive to the Homeowners Association and which contain a statement which would hold the City harmless for maintenance and any other problems which could potentially arise in conjunction with use of the private drive.

**MOTION: (Commissioner Whitaker) "Mr. Chairman, on item PP-95-64, I move that we approve the Preliminary Replat with access from a private street with the condition that the property owner and all subsequent homeowners will agree to hold the City harmless for any risks or liabilities of whatever nature due to the inaccessibility of City services on that road and subject to staff appeal."**

Commissioner Laiche seconded the motion. A vote was called and the motion passed by a vote of 4-1, with Commissioner Halsey opposing.

**#MS-95-66 MINOR SUBDIVISION--MARTINEZ SUBDIVISION**

**Petitioner:** Suenos Corporation  
**Location:** 2752 UnawEEP  
**Representative:** Cindy Enos-Martinez

**Request for approval of the Martinez Minor Subdivision consisting of splitting an existing parcel into two lots located at 2752 UnawEEP.**

**STAFF PRESENTATION**

Kathy Portner briefly outlined the proposal and indicated that it met all the requirements of the zone and subdivision regulations. Staff recommended approval.

**PETITIONER'S PRESENTATION**

Cindy Enos-Martinez declined additional comment.

**PUBLIC COMMENTS**

**FOR:** Sharon Johnson (2755 Olson, Grand Junction) requested a written agreement from Ms. Enos-Martinez which would preserve her right to continue using the gate currently placed on her property. Acting Chairman Volkmann said that the Commission had no jurisdiction in that area but urged Ms. Johnson to meet with the petitioner and try to work out some amicable arrangement.

**AGAINST:** There were no comments against the proposal.

**MOTION: (Commissioner Laiche) "Mr. Chairman, on item #MS-95-66, two lot minor subdivision, I move that we approve it."**

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

**#PDR-95-67 PLANNED DEVELOPMENT REVIEW--PAVED PARKING LOT**

**Petitioner:** Colorado International Education & Training  
**Location:** Northeast corner 12th Street and Kennedy Avenue  
**Representative:** Ciavonne & Associates

**Request for approval of a Planned Development for a paved parking lot located on the northeast corner of 12th Street and Kennedy Avenue**

**STAFF PRESENTATION**

Tom Dixon outlined the proposal and presented a brief historical background of the subject property. A 20-foot easement would be required by the City for an 8-inch sewer lateral located in the vacated alleyway. Mr. Dixon referred to a letter received from Ms. Elaine Ingvertsen (1257 Elm Avenue, Grand Junction) who said that there existed a deed restriction prohibiting vehicular traffic through the site between Elm and Kennedy Avenues. Since no evidence of this restriction had been presented and the City did not generally enforce such restrictions, staff did not perceive this as an issue. Ample landscaping would be provided for the site and the petitioner was encouraged to consider pedestrian walkways from the parking lot to 12th Street. Staff recommended approval of the proposed 70 space (as amended) parking lot subject to the following

conditions:

1. Drainage must be approved by the Public Works Department. A drainage fee may be acceptable in lieu of providing on-site drainage facilities.
2. A lighting plan shall be submitted for review and approval prior to the issuance of a planning clearance.
3. The submitted landscaping plan is approved at this time. If fewer than 70 spaces (as amended) are actually provided at the time of planning clearance, then the landscape plan will be reconsidered.
4. A 20-foot wide utility easement shall be placed over the centerline of the existing 8-inch sewer line located in the vacated alley (a metes and bounds description will be required, as amended).

### **QUESTIONS**

Commissioner Halsey noticed that on-site handicap parking had not been shown on the plan. Mr. Dixon said that since this was an ADA requirement, the provision and placement of such parking could be made a condition of approval. Mr. Dixon suggested that placement of handicap parking could be situated for easier access onto 12th Street.

### **PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, showed Commissioners on the map provided, where three handicap parking stalls would be located. The area was presently designated as a drop-off point for the Post Office but could be signed and striped for handicap parking. He added that the additional parking stalls had not been factored into the overall plan, so he asked for approval of 70 spaces which would include the three additional spaces. Mr. Ciavonne felt that the proposed location of the handicap spaces would provide the greatest ease in access. With regard to Ms. Ingvertsen's letter, he felt that since there was already a fence located at the northwestern end of this vacated alley which prohibited through traffic, her concern had already been addressed. Mr. Ciavonne agreed to consider the pedestrian walkways at several designated points through the landscaping to allow access to 12th Street.

### **PUBLIC COMMENTS**

**FOR:** Bonnie Clark, owner of Airtime, felt that the additional parking lot would help to mitigate the lack of available parking in and around Mesa College. She urged approval.

**AGAINST:** There were no comments against the proposal.

### **DISCUSSION**

Commissioner Halsey felt that it was a good use of the property.

Acting Chairman Volkmann inquired into the landscaping provision; would what was planned be sufficient if approved for three additional spaces. Mr. Dixon answered that the petitioner had actually offered to provide more than what was required, but that staff would review the

landscaping more closely if approved and adjust the requirement accordingly.

Commissioner Halsey reminded staff to review ADA requirements to ensure that three spaces was proportionally correct.

**MOTION: (Commissioner Laiche) “Mr. Chairman, on item #PDR-95-67, I move that we approve the proposed 70 space parking lot PB zoned, subject to staff recommendations and conditions, that the applicant will make arrangements for and pay for a metes and bounds survey of the 20-foot utility easement, and subject to staff review for compliance with the American Disabilities Act (ADA).”**

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

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

### **#PP-95-61 PRELIMINARY PLAN/EASEMENT VACATION--RIMROCK MARKET-PLACE**

**Petitioner: Denver Holdings, Inc.**

**Location: Southwest corner of 25 1/2 Road and Hwy 6 & 50**

**Representative: Tom Logue, Land Design Ltd.**

- 1. Request for a recommendation of approval of a Preliminary Plan for Rimrock marketplace shopping center on a parcel of land consisting of 52 acres located on the southwest corner of 25 1/2 Road and Hwy 6 & 50.**
- 2. Request for a recommendation of approval for a vacation of an irrigation and sewer easement.**

Acting Chairman Volkmann withdrew from consideration of the item due to a conflict of interest. Commissioner Halsey served as Chairman for consideration of this item.

### **STAFF PRESENTATION**

Michael Drollinger indicated that the proposal better defined pad sites and right-of-way locations for the proposed 550,000 square foot proposed retail center. The plan also called for the vacation of an irrigation easement and sanitary sewer easement. He added that the sewer easement would be relocated and rededicated along with easements for other site utilities. Staff recommended approval.

### **PETITIONER'S PRESENTATION**

Tom Logue, representing the petitioner, presented a brief overview of the proposal.

### **QUESTIONS**

Commissioner Whitaker wondered if there had been a wetlands study undertaken by the Corps of Engineers as required in the approval of the Conditional Use application. Mr. Logue replied that this was underway and results should be forthcoming. Results would be submitted to staff when

received.

**PUBLIC COMMENTS**

**FOR:** Paul Brown (2515 U.S. Hwy 6 & 50, Grand Junction), president of C.R. Brown Oil and owner of Go-Fer Foods, said that while he was in favor of the proposal, he wanted some assurance that his frontage road access would not be cut off or made into a one-way. Jody Kliska responded that the petitioner had changed the original alignment which will eliminate a four-way intersection. She indicated that while the actual intersection design was not yet determined, CDOT had not wanted to see the accessway closed. Mr. Drollinger added that the plan, as presently configured, would not alter Mr. Brown's access.

Marie Shaffer (929 Main Street, Grand Junction), representing The Corner Store, also expressed concerns that her access would be eliminated. Mr. Drollinger indicated that not only would The Corner Store's original access be preserved but that the access proposed for placement behind the property would provide them with a second accessway.

**MOTION: (Commissioner Whitaker) "Mr. Chairman, I move that we approve the Preliminary Plan and that we recommend to City Council that the easements (as specified in the staff report) be vacated."**

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

Due to a previous commitment, Commissioner Laiche excused himself from consideration of the remaining items.

**#RZ-95-63 REZONE RSF-8 TO PC--ERNST HARDWARE EXPANSION**

**Petitioner: John & Bonnie Clark**  
**Location: 514 - 28 1/4 Road**  
**Representative: Tom Logue, Land Design Ltd.**

**Request for a recommendation of approval to rezone land from RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) to PC (Planned Commercial) at 514 - 28 1/4 Road.**

**STAFF PRESENTATION**

Michael Drollinger presented an overview of the proposal which included the demolition of the present structure and subsequent placement of three storage facilities on the subject property. Although the petitioner has agreed to provide landscape buffering as well as a screened fence along the eastern boundary, staff still expressed the following concerns: 1) The proposal was not consistent with the North Avenue Corridor Guidelines; 2) the proposal was not consistent with established zoning; and 3) staff felt the proposal would adversely impact the residential character of the area north of Eastgate Shopping Center. For these reasons, Mr. Drollinger recommended denial of the request but if approved by the Commission, the following conditions should first be met:

- 1.A Final Plan must be submitted which adequately addresses the issues of drainage, screening,



circulation and lighting. Proper drainage facilities must be provided to accommodate stormwater runoff in accordance with City standards. Site circulation should be modified to minimize vehicular conflicts, including the relocation of the proposed access driveway to the east. A lighting plan must be provided which identifies proposed lighting intensities to minimize spillover onto adjoining properties.

2. Hours of operation in the proposed storage facility should be limited to minimize noise impacts on the adjacent properties.

Mr. Drollinger added that a letter had been received containing three signatures of persons along Kennedy Avenue who also expressed concerns over commercial encroachment into their neighborhood. The letter requested denial of the proposal (copies distributed to Commissioners). As well, one call was received from an unidentified woman who lived along 28 1/4 Road. She had stated Ernst has not been a good neighbor and also urged denial of the request.

### **PETITIONER'S PRESENTATION**

Tom Logue, representing the petitioner, stated that the current pickup site for Ernst is overly congested, that customer complaints about blowing trash and debris would be eliminated if Ernst had a place to store the materials currently stacked in the back alleyway of the store. He emphasized that Ernst had agreed to quadruple the setbacks which were required by the *Code* and said that the area would be used solely for pickup of materials, that no retail sales would occur on-site. Mr. Logue submitted a petition containing 17 signatures of persons living in the immediate area who expressed no objections to the proposal. He added that Columbine Park, located off 28 1/4 Road, was being used late at night and was subject to high traffic, noise, lighting, etc. Other areas of commercial development cited included the Omega Business Park located at 28th Street and Elm Avenue. Mr. Logue said that Ernst had committed to its present site for a number of years and could not relocate.

### **PUBLIC COMMENTS**

**FOR:** Bonnie Clark (721 25 1/2 Road, Grand Junction, CO) said that since surrounding neighbors expressed no objections, she urged approval of the proposal.

Don Schulthies (1198 Brickyard Road, Salt Lake City, UT) spoke as a representative of Ernst Stores. He said the proposal would clean up the store's existing storage area and keep materials hidden from view. He said that on the new site as well as with the existing store, all mechanical noise would cease at 10 p.m. and would not start up again until 7 a.m. He agreed to submit lighting plans which, he said, would also address neighbor concerns.

Jeff Mills (2823 Hall Avenue, Grand Junction, CO) felt that the proposal would not provide a major impact to the adjacent residential neighborhood.

**AGAINST:** There were no comments against the proposal.

### **DISCUSSION**

Commissioner Halsey expressed concern over commercial encroachment into the residential neighborhood.

Acting Chairman Volkmann did not want to set a precedent for other commercial uses, adding that he did not hear sufficient argument for deviating from the *Code* requirements and *North Avenue Guidelines*.

Discussion ensued over surrounding zoning, the location of the Omega Park, and possible impacts to the residential character of the existing neighborhood.

John Shaver suggested that the form of the motion be in the affirmative.

**MOTION: (Commissioner Vogel) “Mr. Chairman, on item #RZ-95-63, a request for rezone from RSF-8 to Planned Commercial, I recommend that we deny this and forward this request for denial on to City Council.”**

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

Mr. Logue expressed his intention to appeal the decision.

**#RZ-95-65 REZONE RSF-4 TO B-1--REDSTONE VETERINARY HOSPITAL**

**Petitioner: Redstone Veterinary Hospital**

**Location: 2582 F Road**

**Representative: Scott Hayduk**

**Request for a recommendation of approval to rezone land located at 2582 F Road from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to B-1 (Neighborhood Business) and approval of a Special Use Permit to locate a veterinary hospital at that address.**

**STAFF PRESENTATION**

Michael Drollinger briefly outlined the proposal, indicating that the veterinary hospital would be placed in a transitional area suited for this type of use. Staff recommended approval subject to:

1. The petitioner dedicating the right-of way along the eastern boundary of the subject property which would be part of a frontage road paralleling Patterson Road in the project vicinity.
2. Closure of the existing site driveway at such time that the frontage road is completed.
3. Dedication of an easement to the City for an existing sewer line located on the property.

**PETITIONER'S PRESENTATION**

Scott Hayduk, petitioner, declined further comment.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**DISCUSSION**

There was general assent among the Commissioners that the use was appropriate for the area.

Clarification was provided by Mr. Drollinger on the location of the frontage road. The right-of-way vacation would be contingent upon the construction of the frontage road along the eastern boundary of the property. If not constructed, the right-of-way would revert back to the owner of the property.

**MOTION: (Commissioner Whitaker) “Mr. Chairman, on item #RZ-95-65 from RSF-4 to B-1 at 2582 Patterson Road, I move that we forward this to the City Council with the recommendation of approval with the conditions stated in the staff report dated April 26, 1995.”**

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

**#VE-95-68 EASEMENT VACATION--SWD SUBDIVISION**

**Petitioner: Steve McCallum**  
**Location: Sanford Drive**  
**Representative: Steve McCallum**

**Request for a recommendation of approval for a vacation of a drainage easement located on Sanford Drive in the SWD Subdivision.**

**STAFF PRESENTATION**

Michael Drollinger located the property on the map provided and offered an overview of the proposal. The petitioner is proposing to consolidate the four lots into two lots and construct a drainage facility over the easement relocated to the southern end of the subject property. The new drainage facility would meet City standards and handle the drainage not only from the subject property but also the drainage from property to the north. Staff recommended approval subject to: 1) the plat dedicating the relocated easement either to a property owners association or to the property owner.

**PETITIONER’S PRESENTATION**

Steve McCallum, petitioner, said that the current retention pond did not provide adequate drainage. The new proposal, he felt, would provide for not only the immediate needs of the property after development but would also handle drainage in the event of a 100-year flood.

**PUBLIC COMMENTS**

**FOR:** There were no comments in favor of the proposal.

**AGAINST:** Amir Seghatoleslami (135 W. Lupine Drive, Aspen, CO), owner of property directly to the south of the drainage area, requested a 30-foot easement as a buffer against spillover onto his property.

**DISCUSSION**

Commissioner Whitaker asked if staff had access to the percolation rate of the property. Jody Kliska replied that a perc test had not been performed on the property. The petitioner interjected that the property was depressed and he didn’t see any other options than the one he was proposing; thus, no perc test had been performed.

Acting Chairman Volkmann asked if the *Stormwater Manual* or *Code* addressed setbacks for a retention basin such as this, to which both Ms. Kliska and Mr. Drollinger replied that nothing existed in either document to address the separation concern.

**MOTION: (Commissioner Vogel) “Mr. Chairman, on item #VE-95-68, a request for easement vacation, I move that the application be forwarded to the City Council with recommendation of approval subject to condition 1. in the staff report.”**

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

## **VI. GENERAL DISCUSSION**

Commissioner Whitaker was selected as monthly liaison to the City Council.

The hearing was adjourned at 9:50 p.m.