

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - September 5, 1995
7:05 p.m. to 11:18 p.m.

I. CALL TO ORDER

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

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

In attendance, representing Planning Department staff, were: Larry Timm (Director), Kathy Portner (Planning Supervisor), Michael Drollinger (Sr. Planner), and Mike Pelletier (Associate Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 36 interested citizens present during the course of the hearing.

II. CONSIDERATION OF MINUTES

(Commissioner Vogel) "Mr. Chairman, I move that we accept the minutes of the August 1 meeting as presented."

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that the evening's agenda would be split into two hearings, with a subsequent hearing to be held on September 12.

Also presented as a discussion item was the Resolution Requesting the Imposition of School Impact Fees outlined by Mr. John Groves, representing School District 51. Mr. Groves provided a background of the proposal which had originated in late 1994. Packets detailing specifics were passed out to Planning Commissioners. Mr. Groves reiterated that fees would be used solely for site acquisition and not to defer construction costs. He felt it important that both the City and County put the plan into place and said that the proposal had been written to comply with both City and County Codes. The proposal made allowance for land dedication in lieu of fee payment but the dedicated land would have to be located in an area targeted for school construction.

QUESTIONS

Commissioner Withers noted that the proposal seemed to target development for a small portion of the population--retirees whose children were already grown and gone. He asked why no general tax had been considered. Mr. Groves felt that it had been discussed and admitted that while no proposal would be totally

equitable to everyone, the current proposal was more fair than other options discussed.

Commissioner Whitaker asked if other school districts had implemented similar plans, to which Mr. Groves responded affirmatively.

Lou Grasso, also representing the school district, added that there was a direct correlation between the number of new students and newly developed subdivisions. He offered to provide written evidence if requested.

Discussion ensued between Commissioners and Dan Wilson on the probability that school impact fees would be passed on to homeowners. Commissioners expressed concern that it could open the door to litigation by homeowners. Mr. Wilson felt that the proposal was narrowly defined and, thus, would avoid the potential for litigation.

Commissioner Elmer wondered when the first site would be acquired. Mr. Grasso felt that enough funds would be obtained through this measure to provide a site each two years and that the school district was currently investigating the Matchett property as a possible site.

IV. PUBLIC HEARING ITEMS FOR FINAL CONSIDERATION

CUP-95-137 CONDITIONAL USE PERMIT--RIMROCK MARKETPLACE

Request for approval of a Conditional Use Permit for a 370,000 square foot shopping facility in a C-2 (heavy Commercial) zone district.

Petitioner: Jim Cook, High Plains Land Co.

Location: Southwest corner of 25 Road and Highway 6 & 50

Representative: Phil Hart, LanDesign, LLC

STAFF PRESENTATION

Michael Drollinger indicated the site location on the map provided. The site includes five pad sites and three access points together with an extension of the frontage road to Gene Taylor's. Mr. Drollinger indicated that the Hanson property was not included in the proposal, which decreased the size of the total project. Staff recommended denial unless the following items were satisfactorily addressed:

1. The traffic study provided has not been updated to reflect the change in the Site Plan which calls for the elimination of the frontage road west of the main site driveway. The petitioner must at a minimum supply an addendum to the traffic study prepared by the traffic consultant which verifies that adequate capacity is being proposed at the main site driveway to accommodate expected traffic flows based on the revised design.
2. The petitioner must supply information which is satisfactory to the Utility Engineer to demonstrate that adequate flow velocities for sanitary sewer can be obtained with the proposed sanitary sewer design.

Mr. Drollinger said that item 1. had been addressed to the satisfaction of Ms. Kliska and that a revised sanitary sewer design plan had been submitted earlier in the day, the details of which could be provided by the petitioner.

If the Commission voted favorably on the proposal, staff recommended the permit contain the following

provisions:

1. The project is approved for a maximum of 370,000 square feet of retail space (not including the pad sites which will be limited in number by the ability to meet City Zoning Code requirements) to be constructed within the building envelopes identified on the attached Site Plan. If the proposal should exceed the size limit of the building envelopes proposed, the Conditional Use Permit will be subject to reevaluation by the Planning Commission at the discretion of City staff.
2. The project signage will be subject to the attached signage guidelines which are based on those proposed by the petitioner and modified by staff.
3. The Conditional Use Permit approval is subject to subsequent acceptance of a Site Plan and subdivision which meets all Zoning and Development Code requirements and are subject to staff approval, review agency approval, and Planning Commission approval as required by Code.
4. Staff finds that the circulation improvements identified by the petitioner in the "General Project Report" and the "Traffic Impact Analysis for DHI Shopping Center" are necessary for the safe and efficient movement of vehicles to and from the site at acceptable levels of service (LOS). A condition of this approval is that the funding and construction of the identified improvements are the responsibility of the developer and that all circulation improvements are subject to review and approval by the City and CDOT and must meet all applicable requirements. Significant changes to the design and operation of the circulation network as proposed may require reevaluation of the Conditional Use Permit by the Planning Commission at the discretion of City staff.
5. All pad site development is subject to the requirements of the Zoning and Development Code and the adopted signage guidelines for Rimrock Marketplace. Development proposals for the pad sites require Site Plan review.

QUESTIONS

Commissioner Withers commented that it appeared several review agency responses were missing. Mr. Drollinger replied that the review agencies whose comments were not included had chosen not to reply.

Commissioner Whitaker asked for confirmation that the wetlands study which had been a previous requirement had been received and approved by the Corps of Engineer. Mr. Drollinger replied affirmatively to both portions of the question.

Commissioner Withers asked staff if CDOT was satisfied with the current traffic study and plans. Mr. Drollinger indicated that they CDOT is waiting for final plans before commenting.

Chairman Elmer asked about specific driveway changes and also asked if the property to the west would be used as a storage yard. Mr. Drollinger outlined specifics on the driveway changes and indicated that the petitioner did plan to use the western property as a storage yard but added that it would be subject to the City's screening requirements.

PETITIONER'S PRESENTATION

Phil Hart, representing the petitioner, said that with regard to the sanitary sewer, it would be moved to the south of the building. He said that an adequate slope would be needed to facilitate the necessary velocity. The petitioner had wanted to retain the frontage road to the west of the property but agreed to eliminate it at staff's request.

QUESTIONS

Chairman Elmer asked for clarification on the petitioner's intended use of the western property. Mr. Hart indicated that it would be used for storage and as a truck turnaround. While not presently needed, he added that the property could also be used as a detention site if necessary.

Chairman Elmer asked if issues with the Corner Store had been resolved. Mr. Hart felt that the current plan satisfactorily addressed those concerns.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Harold Wollard (2541 U.S. Hwy 6 & 50, Grand Junction), owner of the Corner Store, said that the petitioner's plan did not satisfy his concerns, that the plan would eliminate access to the front of his store and move it to the rear, where he and his wife maintained their residence. He felt that the current plan would effectively put him out of business, adding that it would be difficult moving trailers (8 ft. to 53 ft. in length) onto and off of the site. He also expressed a concern that rerouting the access would violate the privacy of his residence and pose a security threat. He expressed vehement opposition to the current proposal.

Mr. Drollinger explained that access to the signal light was still available but that the rerouting of the frontage road was necessary to address safety concerns. He added that the front access would not effectively change.

Marie Shaffer (929 Main Street, Grand Junction) said that she had spoken to CDOT representatives and that they had told her no traffic plan had been submitted to them for review. She also wondered why the report to the Corps of Engineers was not available for review. Mr. Drollinger indicated that the Corps report was available for inspection at any time by the public and reiterated CDOT's comments to him regarding the traffic study.

PETITIONER'S REBUTTAL

Mr. Hart said that he'd also met with CDOT representatives and that they'd told him also to submit the traffic study during the Final Phase of the project.

DISCUSSION

Significant discussion ensued over the Corner Store's access, the location of the signal light, stacking and safety aspects. After Ms. Kliska detailed the rationale behind the location of the currently proposed access, Commissioners agreed that the reasoning was sound. Ms. Kliska added that to leave the access to the Corner Store as-is probably would not receive approval by CDOT.

Mr. Hart added that the petitioner intended to screen the area behind the Corner Store for aesthetics and that it should also address Mr. Wollard's concerns for privacy.

MOTION: (Commissioner Halsey) "Mr. Chairman, on CUP-95-137, I recommend we approve the Conditional Use Permit subject to staff conditions 1. through 5. and the signage plan in the staff report."

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

Chairman Elmer said that he hoped the petitioner would be able to work with the owner of the Corner Store to work out a more favorable solution to the access question. In response to a question from Commissioner Halsey, Mr. Shaver stated that the Planning Commission has no jurisdiction to impose mitigation requirements onto the petitioner since the petitioner is not denying access to the Corner Store.

A vote was called and the motion passed by a vote of 4-2, with Commissioners Vogel and Whitaker opposing.

CUP-95-80 CONDITIONAL USE PERMIT--HELIPAD

Request for approval of a Conditional Use Permit to construct and operate a helipad in an H.O. (Highway Oriented) zone district.

Petitioner: Warren Detmer

Location: 631 - 24 1/2 Road

STAFF PRESENTATION

Michael Drollinger indicated that the petitioner was currently operating the helipad in violation of the City's Zoning Code. Staff expressed the following concerns:

1. Incompatibility of the helipad location with the surrounding residentially-zoned area.
2. Potential use of the helipad for commercial operations.
3. Lack of information to determine obstacle clearance compliance.
4. No information supplied by applicant detailing the FAA's evaluation of this proposal.

Mr. Drollinger elaborated that a specially designed model had been obtained to determine noise impacts and that the noise from the petitioner's helipad would exceed the 65 decibel acceptable range in portions of the surrounding residentially-zoned areas. He added that the location of the petitioner's helipad was not consistent with City-identified areas conducive to such operations. Mr. Drollinger indicated that the helipad also did not conform to the City's adopted Helicopter Guidelines. Staff recommended denial but added that if approved, the following provisions should be included in the permit:

1. A scaled, detailed site plan must be provided indicating compliance with FAA Part 77, obstacle clearance standards.
2. Helicopter operations from the site shall be limited to 8 a.m. to sunset. No night operations shall be permitted.

3. No more than ten (10) operations (an operation includes a take-off and landing) should be permitted per week. An increase in the number of operations from the helipad shall require an amendment to the Conditional Use Permit and shall require a public hearing.
4. The petitioner shall supply the City with documentation of FAA approval of this helipad and shall supply the City with copies of any notice(s) to the FAA of amendments to the proposal. Amendments to the approved approach/departure paths shall require an amendment to the Conditional Use Permit.

QUESTIONS

Commissioner Whitaker asked if the petitioner's helicopters were similar to that used by St. Mary's Hospital. Mr. Drollinger replied that the helicopters used by St. Mary's were much larger.

PETITIONER'S PRESENTATION

Warren Detmer, petitioner, relayed a brief history of his operations to the Commission. He said that only one house was affected and that the nearest home to the north was over 250 feet away. The property to the east, he continued, was vacant and that his operation would have been allowed by the County prior to the City's annexation. He said that he would like to eventually go into commercial operations but that would be in the future and at some other location. He reemphasized that no commercial operations would be conducted at the current site.

PUBLIC COMMENTS

FOR:

Joan Coonprom (631 - 24 1/2 Road, Grand Junction) felt that more noise was generated by traffic into and out of Mesa Mall, by emergency vehicles and aircraft which already used the Patterson Road corridor. She did not think the noise generated by Mr. Detmer's helicopter(s) would pose a significant impact, adding that the site was not located in a "quiet residential neighborhood." She urged approval.

Brian Hensley (633 - 24 1/2 Road, Grand Junction) agreed with statements made by Ms. Coonprom and also urged approval.

Gerund Coonprom (631 -24 1/2 Road, Grand Junction) expressed approval for the proposal.

AGAINST:

There were no comments against the proposal.

DISCUSSION

Commissioner Withers asked for clarification on the duration of the Conditional Use Permit, which was given. Commissioner Withers asked Mr. Shaver if the Planning Commission could establish a time limit, to which Mr. Shaver responded that there was nothing in the Code which would limit the duration of a Conditional Use Permit; however, he said that staff could monitor complaints and that complaints could be used to determine if there was a breach in Conditional Use Permit requirements.

Chairman Elmer said that comparisons to St. Mary's helicopters couldn't necessarily be made since St. Mary's provided a public service.

Commissioner Withers could not see how approval of the helipad would harm the community since neighbors did not seem to object and that complaints could dictate whether the use could continue.

Discussion ensued over possible impacts to future development in the area of the helipad site.

MOTION: (Commissioner Withers) “Mr. Chairman, on item CUP-95-80, I recommend that we approve the Conditional Use Permit with the conditions 1. through 4. in the staff report, modified as follows: item 2. Helicopter operations from the site shall be limited to a half-hour prior to sunrise to a half-hour past sunset (with the remaining sentence intact), and adding a number 5. This Conditional Use Permit shall remain in effect as long as there are no valid FAA citations or violations formally issued.”

Mr. Drollinger said that the FAA did not issue noise violation citations. Mr. Shaver questioned the definition of the word “valid” in Commissioner Withers’ motion, which was clarified by Mr. Withers.

The motion stood without revision but died for lack of a second.

MOTION: (Commissioner Vogel) “Mr. Chairman, on item CUP-95-80, I recommend that we deny this Conditional Use Permit based upon the (use being) incompatible to the surrounding area and potential and actual zoning of the area.”

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

FP-95-139 FINAL PLAN--ERNST HARDWARE STORE

Request for approval of a Final Plan for the expansion of the Ernst Hardware Store located in a PB (Planned Business) zone district.

Petitioner: Bonnie, John, and Olga Clark
Location: 514 - 28 1/4 Road
Representative: Monty Stroup, LanDesign, LLC

STAFF PRESENTATION

Michael Drollinger briefly outlined the proposal and indicated that with all staff concerns being addressed, approval was recommended.

PETITIONER’S PRESENTATION

Monty Stroup, representing the petitioners, elaborated on the fencing, saying that a 10-foot-high fence along the north boundary would provide maximum screening to adjacent neighbors and indicated that it would be a chain link fence with privacy strips added. He also detailed the proposed landscaping plan.

QUESTIONS

Chairman Elmer asked if Ernst planned to abolish the existing storage of materials to the west upon completion of the expansion, to which Mr. Mills, also representing the petitioners, replied affirmatively. No storage trailers would be left there.

Chairman Elmer expressed concern over the petitioner’s choice of fencing materials, adding that privacy strips become unattractive in a relatively short time and are seldom maintained.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Michelle Ryan (2839 Kennedy Ave., Grand Junction) expressed concern over any addition by Ernst, saying that the store currently failed to maintain its property and that trash and debris constantly blew into her yard.

Similar sentiments were also expressed by Lori Pacheco (509 Compton, Grand Junction), Effie Sophocles (2835 Kennedy Ave., Grand Junction), and Mary Hetherington (2837 Kennedy Ave., Grand Junction).

PETITIONER'S REBUTTAL

Both Mr. Mills and Mr. Stroup clarified that clean-up on the Ernst site occurs constantly but that debris did blow over into adjacent yards. It was felt that the expansion and fencing of the area would prevent this from occurring.

DISCUSSION

Commissioner Halsey did not feel that the petitioner had demonstrated any good faith efforts to keep the site clean, honor hours of operation, nor did it provide any screening for the currently stored materials along the south side of the property. He asked Mr. Shaver if additional conditions related to these issues could be imposed. Mr. Shaver responded that if conditions related directly to the plan and not strictly operational issues, such conditions could be added. Mr. Shaver suggested that Ernst had thusfar escaped the City's enforcement of the outdoor storage criteria but that the law applies to current and future storage.

MOTION: (Commissioner Vogel) "Mr. Chairman, on item FP-95-139, a request for Final Plan approval at 518 - 28 1/4 Road, I move that we approve this application with the following five conditions: 1) the yard activities be limited to store hours, which have been defined as 7 a.m. to 10 p.m.; 2) a 10-foot-high fence to be of concrete or masonry materials on the north and east side; 3) storage and display on the south and west side be eliminated or brought into conformance with City codes; 4) a maximum perimeter height of storage will be 10 feet; and 5) fencing on the west side should consist of a 10-foot-high wood, concrete or masonry fence (as amended)."

Commissioner Withers seconded the motion.

Discussion ensued over the requirement that the west boundary fence also consist of strictly concrete or masonry materials. A separate provision for allowing wooden building materials for the western fence was made and the motion was so amended.

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

FPP-95-135 FINAL PLAT/PLAN--DEL MAR SUBDIVISION, FILING #2

Request for approval of the Final Plat/Plan for Filing #2 of Del Mar Subdivision for 13 single family residential lots on approximately 4.1 acres zoned PR-3.1 (Planned Residential, 3.1 units per acre).

Petitioner: Delbert & Marilyn Parmenter
Location: 29 3/8 Road and F Road
Representative: David Chase, Banner Associates

STAFF PRESENTATION

Kathy Portner provided a brief overview of the proposal and indicated that the petitioners had agreed to the following requests and requirements:

1. The 14-foot multi-purpose easement will be provided on all front lot lines.
2. Storage reservoirs for irrigation will be installed.
3. Petitioner will comply with all Ute Water comments.
4. Petitioner will comply with all City Property Agent comments.
5. Tract A will be dedicated as an ingress/egress easement for future access to the adjacent property to the east and a multi-purpose easement.
6. End of road markets will be added to the plans and the Improvements Agreement adjusted

accordingly.

7. Petitioner will comply with all requirements of Central Grand Valley Sanitation District.
8. Petitioner will comply with all TCI Cable comments.
9. A note will be added to the plat stating that no driveway access will be allowed onto F Road.
10. The setback requirements will be added to the plat.
11. A landscaping and maintenance plan for Tract A will be submitted.

Staff recommended approval.

QUESTIONS

Chairman Elmer wondered why Tract A wasn't deeded to an adjacent property owner. Ms. Portner said that while it was an option, the petitioner proposed to landscape the strip, which she felt would provide an attractive entrance feature. Chairman Elmer still felt that there may be a maintenance issue involved with the strip.

PETITIONER'S PRESENTATION

David Chase, representing the petitioner, provided a brief history of the proposal and agreed to amend the Improvements Agreement to provide for road completion by June 1, 1996 with the balance of the improvements to be completed within one year. Otherwise, the petitioner agreed with staff comments.

QUESTIONS

Chairman Elmer asked if the City had a chance to review the covenants, to which both Mr. Shaver and Ms. Portner indicated that they had not yet been submitted to the City for review. Chairman Elmer added that if Tract A was not deeded over to an adjacent property owner, some provision for maintenance by the Homeowners Association needed to be included in the covenants.

PUBLIC COMMENTS

FOR:

David Scanga spoke on behalf of the Cris Mar Homeowners Association. He said that if the petitioner would agree to completion of road improvements by June 1, 1996, the HOA would be in favor. He added that he would like any condition of approval to limit all construction (both home and infrastructure) to be limited to accessing the subdivision via F Road and be prohibited against using Bonito for access during Phase I and II.

AGAINST:

There were no comments against the proposal.

DISCUSSION

When asked, Mr. Chase indicated that the road improvements could be completed by June 1, 1996 regardless of weather conditions.

Ms. Portner proposed the following conditions be added to any approval: 1) that the road access from Patterson be built or at least guaranteed to be built by June 1, 1996, and 2) that all construction traffic must use Patterson Road access (via 29 3/8 Road).

MOTION: (Commissioner Vogel) "Mr. Chairman, on item FPP-95-135, the Final Plat/Plan for Del Mar Subdivision Filing #2, I move that we approved the Final Plat/Plan with the following two conditions: 1) that the construction traffic be funneled and must use 29 3/8 Road, and 2) that the new 29 3/8 Road and Bonito Avenue be guaranteed to be constructed by June 1, 1996, with construction traffic (defined as) both infrastructure construction and general home construction (as amended)."

Commissioner Halsey seconded the motion.

Staff requested that the definition of “construction” traffic be included in the understanding of the motion.

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

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

VR-95-134 VACATION OF RIGHT-OF-WAY--NORTH AVENUE FURNITURE

Request for a recommendation of approval vacating portions of the east/west alley between North and Belford Avenues from 9th to 10th Streets.

Petitioner: Richard Sparkman

Location: 915 North Avenue

Representative: Keith Mumby

STAFF PRESENTATION

Mike Pelletier indicated that staff had no outstanding concerns and recommended approval.

PETITIONER’S PRESENTATION

Keith Mumby, representing the petitioner, indicated that the two trailers on the site were gone and that the truck which was there presently would be taken out eventually. He added that the truck was used over the road and made weekly trips to Denver on business.

PUBLIC COMMENTS

No additional public was present for comment.

DISCUSSION

Chairman Elmer asked again about the removal of the trailers, to which Mr. Mumby reiterated that the trailers had already been removed.

MOTION: (Commissioner Withers) “Mr. Chairman, on item VR-95-134, the vacation of a portion of alley right-of-way, I move that we forward a recommendation of approval on to City Council.”

Commissioner Whitaker seconded the motion.

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

VI. GENERAL DISCUSSION

Mr. Shaver said that Mr. Detmer had come up to him during the meeting and indicated a desire to appeal the motion for denial made earlier. Mr. Detmer was instructed by Mr. Shaver to submit a written notice of appeal to staff.

The hearing was adjourned at 11:18 p.m.