

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - September 12, 1995
7:05 p.m. to 9:45 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, Tom Volkmann, and Paul Coleman. Bob Withers was absent.

In attendance, representing Planning Department staff, were: Kathy Portner (Planning Supervisor), Dave Thornton (Sr. Planner), and Bill Nebeker (Sr. Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 35 interested citizens present during the course of the hearing.

II. CONSIDERATION OF MINUTES

No minutes were available for consideration.

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

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

IV. PUBLIC HEARING ITEMS FOR FINAL CONSIDERATION

MS-95-132 MINOR SUBDIVISION--WARREN

Request for approval of a Minor Subdivision subdividing an existing 1.518 acre parcel of land into two lots with zoning of PR-8 (as per File #28-73).

Petitioner: Leo and Helen Warren

Location: 2813 & 2815 Patterson Road

Representative: Wayne Lizer

STAFF PRESENTATION

Kathy Portner briefly outlined the proposal, indicating that the proposal included subdividing the parcel into three rather than two lots. Since there were no outstanding issues, staff recommended approval.

PETITIONER'S PRESENTATION

Leo Warren, petitioner, declined further comment.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Volkmann) “Mr. Chairman, on item #MS-95-132, I move that we approve a minor subdivision of Lot 1, Block 1 of Landing Heights Nursing Care Center.”

Commissioner Vogel seconded 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

MS-95-101 MINOR SUBDIVISION/AMENDED ZONING--LOT 1 PATTERSON PARK

- 1. Request for recommendation of approval of subdividing a 2.99 acre parcel of land into five lots in a PC (Planned Commercial) zone district.**
- 2. Request for approval to amend the PC (Planned Commercial) zoning ordinance to add drive-through restaurants as an allowed use.**

Petitioner: Jon Abramson
Location: 2488 F Road
Representative: Robert Emrich

STAFF PRESENTATION

Kathy Portner presented a detailed overview of the proposal and with the assistance of Jody Kliska of the property using special computerized graphics. While retail was perceived as an acceptable use, the drive-through restaurant was not. As well, both the Planning staff and City Development Engineer, Jody Kliska, had concerns over the subdivision of the parcel into five lots with three separate access points directly off of Patterson Road.

Ms. Kliska added that the number and location of the proposed accesses conflicted with *City Transportation Engineering Design Standards*. She passed out copies of a map depicting Patterson Road Traffic Volumes, 1995 and 2015, adding that the goal was to manage access while facilitating traffic flow along the corridor. Minimum spacing of at least 200 feet between access points must be retained to facilitate traffic flow and address safety concerns. Ms. Kliska pointed out that several proposals for commercial projects had been submitted for consideration to Planning Commission and City Council and access had been a major concern with all of them. It was felt that smaller parcels should be consolidated to provide for shared access and circulation.

Ms. Portner continued that the current proposal did not comply with the *Patterson Road Corridor Guidelines*. As an alternative, staff proposed a single access along the Patterson Road frontage with a second access point off of 25 Road, with easement extending to all five lots. Parking would be to the rear of the buildings. Staff also opposed subdividing a planned zone where no plan existed except for a single lot. Lot 5, she felt, had limited development potential. Staff recommended denial of the proposed drive-through restaurant and denial of the subdivision as proposed.

PETITIONER'S PRESENTATION

Robert Emrich, representing the petitioner, felt it was unrealistic for staff to expect a plan submitted for each lot when it was unclear at this point who would buy them. He didn't agree with the 200-foot access requirement, saying that the policy would essentially prohibit owners of smaller parcels along Patterson to develop and/or sell their properties. He did not understand staff's opposition to plans for a restaurant.

QUESTIONS

Chairman Elmer asked if the petitioner had plans for developing lot 5, to which Mr. Emrich responded negatively.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

There was general agreement among Commissioners that: 1) to subdivide property within a planned zone without submitting a plan offered no guideline for development of the lots; 2) that staff's requirement for adherence to the 200-foot minimum access spacing requirement and proposed alternative access plan was reasonable; 3) that further direction is needed regarding access to smaller parcels along Patterson Road and that an overall street plan for the subject area should be pursued.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item #MS-95-101, I move for denial of both the drive-through restaurant and subdivision, for not having a full plan for development."

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

RZ-95-138 REZONE AND FINAL PLAN--DOVE DESIGNS

Request for a recommendation of approval to rezone a parcel of land located at the northwest corner of 7th Street and Grand Avenue from PR (Planned Residential) to PB (Planned Business).

Petitioner: Judy Smith, Dove Designs

Location: 407 North 7th Street

STAFF PRESENTATION

Kathy Portner indicated the subject parcel on the map provided and displayed the property via computerized graphics. She noted that the property was located within the Seventh Street Historical Residential District thus, it was important that the residential character of the home be retained. The petitioner planned to remove the existing garage to provide for six parking spaces. A small sign would be installed at the rear of the property and access would also be directed to the rear of the property via the alley. Staff acknowledged that the property was located at the juncture of two corridors, Grand Avenue and 7th Street, and indicated that the Guidelines for each corridor seemed to conflict over what was an appropriate use for the corner. Ms. Portner contacted two persons, one from the National Trust and one from the Colorado Historical Society, who said that the historical designation would not be jeopardized as long as the physical appearance of the home was preserved.

While staff found merit in both retaining the property for residential use and allowing the conversion of a portion of the home for business/residential use, there was some concern that even partial business use would create a "domino effect" for others who could view this as their "window of opportunity" for similar or more intensive uses. Staff recommended denial of the proposal but said that if the Commission were to favorably consider the proposal, the following conditions should apply:

1. The outside structure and appearance of the house may not be substantially altered without review and approval by the Planning Commission.
2. The business use will be limited to 655 square feet on the lower level and 591 square feet on the upper level.
3. The remainder of the house must be used as a single family residence for the owner, operator or employee of the business.

4. The business uses shall be limited to Dove Designs. Future changes to that use would require review and approval by the Planning Commission.
5. Six off-street parking spaces shall be provided to the rear of the building along the alley. The design shall retain the mature spruce tree along Grand Avenue and shall retain as many of the other three mature trees as possible in the back yard and shall include a landscaping strip behind the sidewalk along Grand Avenue and a strip along the alley. One entrance to the parking area shall be provided as far north along the alley as possible. The lot must be paved and striped. The final parking lot design shall be approved by City staff.

QUESTIONS

Chairman Elmer wondered why the use wouldn't fall under the Home Occupation criteria, to which Ms. Portner replied that the petitioner had an employee, which was prohibited, and that the square footage to be devoted to the business exceeded that allowed for a Home Occupation.

PETITIONER'S PRESENTATION

Tim Foster, representing the petitioner, said that no one had lived in the home for approximately three years. Since it has frontage on Grand Avenue, and due to the high volume of traffic at the corner of 7th and Grand, families were reluctant to purchase it as a residence. Mr. Foster felt that due to Ms. Smith's background and business of decorating and restoration, she was the ideal person to occupy the home and hers was the best use for the property.

PUBLIC COMMENTS

FOR: Mary Ann Novack (292 Chinle Court, Grand Junction), who was the Retail and Community Development Consultant for the City of Cheyenne, WY, felt that Ms. Smith's proposal was an economically viable use which would preserve the historical integrity of the home.

Michael Sutherland (703 Centauri, Grand Junction), former City Planner and present when the 7th Street historic designation was implemented felt that the property was affected more because of the widening of Grand Avenue. His concern was that if no one wanted the home for a strictly residential use and no other use was appropriate, the home would be lost or fall into disrepair.

AGAINST: Dr. Ralph Schmidt (536 North 7th Street, Grand Junction) submitted a petition containing approximately 80 signatures of persons opposed to the rezone. Dr. Schmidt emphasized the importance of keeping the historic district residential.

Others present who echoed Dr. Schmidt's sentiment were: Perry Patrick (621 North 7th Street, Grand Junction), Teddy Jordan (440 North 7th Street, Grand Junction), Jim Smith (515 North 7th Street), Peter Robinson (746 Ouray, Grand Junction), Nancy Edgington (707 North 7th Street, Grand Junction), Bob Brooks (428 North 7th Street, Grand Junction), and Quentin Jones (2491 E. Harbor Circle, Grand Junction). When asked, 14 persons stood in opposition to the proposed rezoning.

Kathy Jordan (440 North 7th Street, Grand Junction), who was instrumental in obtaining the historic designation for 7th Street, said that she'd spoken with representatives of the National Register and the Department of the Interior, who she reported told her that a business of any nature would harm the residential character of the neighborhood and jeopardize its historic designation.

PETITIONER'S REBUTTAL

Tim Foster again stressed that the location of the property was not conducive to family life. He felt that not even another general homeowner would have as much ability or desire to preserve the home in its current

state as the petitioner. He noted that staff's conditions of approval were very restrictive and would effectively limit the use.

Judy Smith spoke, adding that her love for the area and her expertise in restoring and preserving homes translated into a willingness and desire to retain the unique nature of the home. She could not understand why so many

were opposed. She cited the restoration of her current residence/business located at 11th and Grand which, she said, had cost her considerably in both time and funds.

Current owner, Michelle Snyder, spoke in favor of the proposal.

DISCUSSION

Commissioner Whitaker wondered if there was any traffic flow data available for Grand Avenue. Ms. Kliska said that while she did not have any statistics with her, there were approximately 10,000 to 12,000 trips per day in the vicinity, with the number dropping off measurably east of 7th Street.

Commissioner Coleman agreed with the opposition and felt it important that the residential integrity of the neighborhood be preserved.

Chairman Elmer wondered if staff had considered suggesting the petitioner apply for a variance. Ms. Portner said that there was some question as to when a variance becomes a rezone. Staff determined that this was the best route for the petitioner to take.

Commissioner Whitaker questioned how policing would be effected, to which Ms. Portner said that it would be through the receipt of complaints. Mr. Shaver added that should there be a violation of the imposed conditions, there would be available avenues for criminal and/or civil relief, and violation(s) could result in the reversion of the zone.

Commissioner Volkmann suggested that it was a unique use for a unique piece of property, that there should be no fear of a “domino effect” since no other property possessed the special circumstances that this one had. He agreed with the petitioner in that she had the ability and desire to enhance the property.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item #RZ-95-138, I move for denial. I think we should leave the historical district intact.”

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

The petitioner indicated a desire to appeal the decision. Staff requested that the petitioner put the appeal in writing and submit it to the Community Development Department.

A recess was called at 9:00 p.m. The hearing reconvened at 9:05 p.m.

RZO-95-131 REZONE AND OUTLINE DEVELOPMENT PLAN--HORIZON VILLAGE

- 1. Request for a recommendation of approval rezoning approximately 11.7 acres from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to PR-5.15 (Planned Residential, 6.15 units per acre).**
- 2. Request for approval of an Outline Development Plan for 4 single family and 72 condominium units on the parcel.**

Petitioner: Nick & Helen Mahleres
Location: Southeast corner of 7th Street and Horizon Drive
Representative: LanDesign, LLC

STAFF PRESENTATION

Kathy Portner indicated the site on the map provided. The plan, she said, was consistent with the *Horizon Drive Corridor Guidelines*. Since the petitioner was leaning toward leaving the undevelopable property as open space, the actual density would be closer to 8.5 units per acre. The proposal met established criteria,

but staff requested the following comments be incorporated into the Preliminary Plan:

1. An 8-inch looped water line is required for the multi-family units, with hydrants located at intersections and spaced no more than 300 feet apart. A 6-inch looped line is allowed for the single family units with a maximum hydrant spacing of no more than 500 feet. A fire flow survey is required for the multi-family units.
2. Review and approval of all storm drainage systems by the Grand Junction Drainage District is required.
3. Fourteen foot lot easements will be required.
4. On-site detention must be provided.
5. A traffic study which addresses the following will be required:
 - a. A peak hour gap analysis on 7th Street at the proposed location of the entry.
 - b. A signal timing analysis if there insufficient gaps to allow left turns from the site.
 - c. A measurement of sight distance on 7th Street from the proposed entry.
 - d. An evaluation of the need for a right turn lane into the site.
6. The proposed private drive to serve the four single family lots must be reconfigured to meet all City standards, including public street design and minimum distance from intersections.
7. That the location of the sewer line would be left up to the Preliminary Plan approval (as amended).
8. A 20-foot trail easement shall be provided along the Grand Valley Mainline Canal. The petitioners must provide documents showing the limits of their ownership along the canal.
9. Twenty feet of additional right-of-way shall be provided along Horizon Drive to allow for the construction of a detached pedestrian/bicycle trail along the corridor.
10. The shared driveways for the triplex units must meet the City's recommended standards, including trash collection points.
11. A wetlands study and delineation will be required, to be reviewed and approved by the City and Corps of Engineers.

Staff recommended approval of the rezone to PR-6.2 and ODP, subject to the conditions as listed above.

QUESTIONS

Commissioner Coleman asked if there were any plans for the property to the North along the Ranchman's Ditch, to which Ms. Portner thought that the petitioners' plans were to leave it in a natural state.

Chairman Elmer asked if the proposed trail extension was practical for this particular area. Ms. Portner said that the Parks Department deemed it necessary for their overall trails plan.

PETITIONER'S PRESENTATION

Tom Logue, representing the petitioners, began his presentation by asking the Commission to consider the relocation of the existing 15-inch sewer line from its present position traversing the property to right behind the curb walk outside the right-of-way. He felt that by relocating the pipe, it would avoid construction trauma that might compromise its integrity. Also, adjacent to the sewer main was a copse of trees which the

petitioners would like to use as a buffer for the units fronting along the primary access road. Mr. Logue requested flexibility from the Commission when considering sewer line options. Also, it was felt that if the proposed road was moved back over the sewer line, it would reduce 20 or 30 feet of sight distance.

QUESTIONS

Chairman Elmer asked if other drainage detention sites had been considered, to which Mr. Logue replied that it was not desirable to detain drainage on site but that, if required, the large open common area in the center of the property could be considered.

Chairman Elmer asked how deep the sewer line was located and how deep the construction trenching would be. Mr. Logue thought that the line was located approximately 6-8 feet below the surface and trenching would be done up to 2 feet.

Chairman Elmer suggested that City staff should check the line and perhaps use the opportunity to replace it, if necessary.

Commissioner Whitaker asked if the petitioners intended to tap into the line, to which Mr. Logue replied affirmatively.

Discussions ensued over condition 7., the petitioner again asking for flexibility on the sewer line issue. Ms. Portner indicated that staff had no problem with rewording the condition to allow for further discussions.

Chairman Elmer asked if the petitioner was proposing to incorporate a sidewalk into design plans. Mr. Logue said that sidewalk would be proposed on one side (location shown on the map) and he detailed several features that he would like to see incorporated into the design.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey commented that, with regard to the two road proposals, he preferred incorporating the City-maintained roads with cul-de-sacs in lieu of private roads.

Chairman Elmer requested changing the wording to condition 7. Ms. Portner suggested the following: "That the location of the sewer line would be left up to the Preliminary Plan approval."

Chairman Elmer asked whether it could be left up to the petitioners to demonstrate the lack of need for on-site drainage detention, to which Ms. Portner replied affirmatively.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item RZO-95-131, I move that we forward this request for rezone on to the City Council with the recommendation of approval, and that we approve the Outline Development Plan subject to staff conditions 1. through 11. with 7. amended as per staff."

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

ANX-95-118 ANNEXATION--BLUFFS WEST #2

- 1. Request for a recommendation of approval zoning lands currently being annexed to the City to RSF-4 (Residential Single Family with a density not to exceed 4 units per acre), PR-2 (Planned Residential with a density not to exceed 2 units per acre), PZ (Public Zone) and B-3 (Retail**

Business).

2. Request for approval of a Conditional Use Permit to allow a nursery in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.

Petitioner: City of Grand Junction

Location: Bluffs West Estates, Filings 1-3 and properties along Redlands Parkway and South Broadway to Riggs Hill

STAFF PRESENTATION

Dave Thornton presented a brief overview of the proposed zoning, indicating that it most closely aligned the County's zoning prior to annexation. He indicated that the nursery which had been an allowed use under County zoning required a Conditional Use to operate in the adopted City zone. Staff recommended approval for both the proposed zoning and the Conditional Use Permit.

QUESTIONS

Chairman Elmer asked about the Riggs Hill area. Mr. Thornton replied that the area is owned by the museum, containing a parking lot and trail which leads, he believed, to a dinosaur dig.

Commissioner Volkmann noted two spots where the setbacks were made more restrictive under City zoning. He foresaw a potential problem if a residence was destroyed more than 50%, the owner would be required to comply with the new setback requirements which could cause a number of problems.

Mr. Shaver indicated that under those circumstances, the variance process would be the most feasible option.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST: Ms. Peggy Walk (2270 Holland Drive, Grand Junction) requested clarification of zoning in an area near Kansas Drive. Clarification was given. She was concerned over possible increases in densities with the new zoning, but Mr. Thornton assured her that the existing densities would not change.

MOTION: (Commissioner Vogel) "Mr. Chairman, on item ANX-95-118, the Zone of Annexation for the Bluffs West #2, I move that we forward this on to City Council with the recommendation of approval as proposed by staff and shown on the Bluffs West #2 proposed zoning map."

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

MOTION: (Commissioner Vogel) "Mr. Chairman, on item ANX-95-118, the Conditional Use Permit to allow a nursery in the RSF-4 Zone District for Grobetter Nursery located at 2295 Broadway, I move that we approve this."

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

The hearing was adjourned at 9:45 p.m.